

**A REVIEW OF THE FISCAL YEAR 2023 BUDGET  
REQUEST FOR THE DEPARTMENT OF HOME-  
LAND SECURITY**

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**HEARING**

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY**

**HOUSE OF REPRESENTATIVES**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

APRIL 27, 2022

**Serial No. 117-53**

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

48-215 PDF

WASHINGTON : 2022

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# **A REVIEW OF THE FISCAL YEAR 2023 BUDGET REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY**

**Wednesday, April 27, 2022**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:02 p.m., 310 Cannon House Office Building, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Jackson Lee, Langevin, Payne, Correa, Slotkin, Cleaver, Green, Clarke, Swalwell, Titus, Watson Coleman, Rice, Demings, Barragán, Gottheimer, Malinowski, Torres, Katko, McCaul, Higgins, Guest, Bishop, Van Drew, Norman, Miller-Meeks, Harshbarger, Clyde, Gimenez, LaTurner, Meijer, Cammack, Pfluger, and Garbarino.

Chairman THOMPSON. The Committee on Homeland Security will be in order. Without objection, the Chair is authorized to declare the committee in recess at any point.

Good afternoon. The committee is meeting today to review the fiscal year 2023 budget request for the Department of Homeland Security. I welcome our witness, Secretary of Homeland Security, Alejandro Mayorkas, and look forward to engaging with him on the budget request and other matters before the Department.

Just over a year ago the Biden administration inherited a Department of Homeland Security beleaguered by 4 years under President Trump. Vacancies in key leadership positions, flagging employee morale, and gross mismanagement left the Department in bad shape and the American people less secure. The Biden administration has prioritized rebuilding DHS and supporting its more than 250,000 brave hardworking men and women.

Under Secretary Mayorkas' leadership, DHS has fulfilled critical vacancies, strengthened management, and advocated for pay raises and collective bargaining for front-line workers. Meanwhile, DHS has faced unprecedented challenges from a rise in domestic terrorism to escalating cyber threats from Russia to more frequent and severe natural disasters to push back to driving migrants to our Southern Border. The President's fiscal year 2023 budget request responds by investing in the Department, its people, and programs and prioritizes combatting domestic terrorism in the wake of threats to religious institutions and historically black colleges. It builds on important investment Congress has made to secure Federal networks and critical infrastructure and strengthens relation-

ships between Government and the private sector. It provides over \$26 billion in enhanced disaster preparedness response and resilience and it also adds to the \$1.4 billion Congress recently provided for border security by funding hundreds of new Border Patrol agents and processing personnel.

As the appropriations process moves forward, I plan to work with the administration to ensure the Cyber and Infrastructure Security Agency has the resources it needs to meet urgent threats.

I was also pleased the Department requested \$360 million for the Nonprofit Security Grant Program to help secure nonprofit organizations at high risk for a terrorist attack. I will be working with my Congressional colleagues to ensure all Homeland Security grant programs receive the funding they need.

Finally, I would like to secure a commitment from the Secretary that the Intelligence and Cybersecurity Diversity Fellowship program will be funded from the Department's budget.

Beyond budget matters, I expect to hear from the Secretary today about the situation at the border. It comes as no surprise that some are trying to make political hay over this situation, which has challenged the administration of both parties over many years. President Trump's border policies were a National disgrace. Thousands of children were separated from their parents and kids died unattended in Border Patrol holding cells. These policies weren't even effective. With no way to apply for asylum, desperate crossers tried to enter the United States repeatedly, recidivism rates soared, and thousands were stranded across the border, where many remain today. Title 42 didn't solve anything, it made conditions more dangerous for migrants, and left the underlying issues driving migration for the next administration to address.

Yesterday, the Department shared a Southwest Border security and preparedness plan for managing the border after Title 42 authority is rescinded next month.

I look forward to hearing from Secretary Mayorkas on how the Department will manage our border in an orderly way, while allowing vulnerable people to apply asylum consistent with our laws. We can and must do both.

In closing, I would like to express my condolences to the family of Specialist Bishop Evans, the Texas National Guard Member who died serving along the border last week. His sacrifice will not be forgotten.

Again, I thank Secretary for appearing before the committee and I look forward to our discussion this afternoon.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

APRIL 27, 2022

The committee is meeting today to review the fiscal year 2023 budget request for the Department of Homeland Security. I welcome our witness, Secretary of Homeland Security Alejandro Mayorkas, and look forward to engaging with him on the budget request and other matters before the Department.

Just over a year ago, the Biden administration inherited a Department of Homeland Security beleaguered by 4 years under President Trump. Vacancies in key leadership positions, flagging employee morale, and gross mismanagement left the Department in bad shape and the American people less secure.

The Biden administration has prioritized rebuilding DHS and supporting its more than 250,000 brave, hardworking men and women. Under Secretary Mayorkas' leadership, DHS has filled critical vacancies, strengthened management, and advocated for pay raises and collective bargaining rights for front-line workers. Meanwhile, DHS has faced unprecedented challenges, from a rise in domestic terrorism, to escalating cyber threats from Russia, to more frequent and severe natural disasters, to push factors driving migrants to our Southern Border.

The President's fiscal year 2023 budget request responds by investing in the Department, its people, and programs. It prioritizes combatting domestic terrorism in the wake of threats to religious institutions and historically Black colleges. It builds on important investments Congress has made to secure Federal networks and critical infrastructure and strengthens relationships between Government and the private sector. It provides over \$26 billion to enhance disaster preparedness, response, and resilience. And, it adds to the \$1.4 billion Congress recently provided for border security by funding hundreds of new Border Patrol agents and processing personnel.

As the appropriations process moves forward, I plan to work with the administration to ensure the Cybersecurity and Infrastructure Security Agency (CISA) has the resources it needs to meet urgent threats. I was also pleased the Department requested \$360 million for the Nonprofit Security Grant Program to help secure nonprofit organizations at high risk for terrorist attack. I will be working with my Congressional colleagues to ensure all homeland security grant programs receive the funding they need.

Finally, I would like to secure a commitment from the Secretary that the Intelligence and Cybersecurity Diversity Fellowship program will be funded from the Department's budget. Beyond budget matters, I expect to hear from the Secretary today about the situation at the border. It comes as no surprise that some are trying to make political hay over this situation, which has challenged administrations of both parties over many years.

President Trump's border policies were a National disgrace—thousands of children were separated from their parents and kids died unattended in Border Patrol holding cells. These policies weren't even effective—with no way to apply for asylum, desperate crossers tried to enter the United States repeatedly, recidivism rates soared, and thousands were stranded across the border, where many remain today.

Title 42 didn't solve anything; it made conditions more dangerous for migrants and left the underlying issues driving migration for the next administration to address. Yesterday, the Department shared a Southwest Border Security and Preparedness Plan for managing the border after Title 42 authority is rescinded next month.

I look forward to hearing from Secretary Mayorkas about how the Department will manage our border in an orderly way while allowing vulnerable people to apply for asylum consistent with our laws. We can—and must—do both.

In closing, I would like to express my condolences to the family of Specialist Bishop Evans, the Texas National Guard member who died serving along the border last week. His sacrifice will not be forgotten.

Chairman THOMPSON. I now recognize the Ranking Member of the full committee, the gentleman from New York, Mr. Katko, for an opening statement.

Mr. KATKO. Thank you, Mr. Chairman, for holding this important hearing today, and thank you to Secretary Mayorkas for appearing in front of the committee.

It is refreshing to finally have you testify in person after the Covid time.

Before I start, I would like to echo the sentiments of my colleague, Mr. Thompson, and take a minute to recognize the Texas National Guardsman, Bishop Evans, who tragically lost his life trying to save migrants who were drowning on our Southern Border last week. It has been reported that the two people he tried to save are in fact drug traffickers. We don't know if that is the case, but if that is the case there is not a better example of the lunacy going on on the border than for a Border Patrol agent—I mean a Texas National Guardsman down at the border who dies and two people dealing drugs and bring them into the country are now on our soil. Something is terribly wrong.

I felt like I say this every year, but the truth is there has never been a more important time for this committee and the Department of Homeland Security. The recent and tragic events in Ukraine have once again highlighted the range of threats posed to our homeland from a variety of actors and have demonstrated how events around the world impact our security here in the homeland.

We as Members of Congress must ensure the resources we spend, Americans' hard-earned tax dollars, are spent properly in securing the homeland. We do not have a dollar that we can afford to waste, and that is why this hearing is so important. Before this hearing, I looked at my opening statement from last year. Unfortunately, many of the critical issues we were facing a year ago are just as acute, if not worse, today. Sadly, some of them are much, much worse. This means that we must redouble our efforts in these key areas, such as border security, cybersecurity, transportation security, and disaster preparedness.

Unfortunately, the President's budget proposal seems to be devoid of logic in addressing many of the crises we are facing. The requested resources do not meet the realities of the threats we face or the pressing needs of the Department. The proposed budget requests a reduction—reduction in funding for CISA when compared to what they received in omnibus spending bill and proposed funding to modernize screening at our airports that would take 17 years to fully implement. By the time you implement that, the products will be obsolete.

This void between reality and this budget request is even more apparent in its response, or lack thereof, to the crisis at the Southern Border. March marked a 13th straight month of over 150,000 encounters, a trend never before recorded. Cumulatively, Customs and Border Protections has had more than 2 million encounters at the Southern Border since President Biden took office and already over 1 million encounters 6 months into this year.

More than 15 months in this administration there is some unadulterable and truly troubling facts. One, we had the highest number of border encounters in the past 20 years in March 22—221,000 people. No. 2, as was most recently reported, last year 23 people whose names appear on a U.S. terror watch list were stopped for illegally crossing the U.S.-Mexico border, those aren't the ones we know got away because the chances are many more got through. No. 3, Customs and Border Protection seized enough fentanyl in 2021 to kill 2.4 billion people, over 7 times the U.S. population. Again, that is only what we seize, and it stands to reason that much more is getting through. In fact, we know it is because this year marks a very terrible milestone. It is the first time in our Nation's history that more than 100,000 people have died of drug overdoses, and a vast majority of those drugs are coming across the Southern Border. The policies of this administration are making it that much easier for those drugs to get across.

Unfortunately, President Biden and Vice President Harris' approach to the Southern Border has not changed. Therefore, neither has the problem. In fact, it has only gotten worse.

Mr. Secretary, on a trip to the Southern Border a few months ago you were quoted as say it is worse than frankly it has been in at least 20 years, if not ever. I couldn't agree more.

On top of these record-breaking numbers, the Biden administration earlier this month announced that Title 42 removals will end May 23. The DHS Office of Immigration Statistics projects that the U.S. Border Patrol could see up to 18,000 encounters a day once Title 42 is lifted—18,000 a day. We are seeing 7,000 now and it is already a crisis. There is no question this will cause Customs and Border Protection to lose operational control over the Southern Border and yet the Department of Justice has decided to appeal the decision to lift the mask mandate for aviation and public transportation systems. I fail to see the logic behind repealing the use of Title 42 and yet arguing to reinstate a mask mandate on public transportation. How do you balance those two? How do you reconcile those two? They are diametrically opposed and they are both politically instilled.

At the very least, this mixed messaging confuses the American public. I would like to join many of my colleagues, increasingly even on both sides of the aisle, in calling on the President to reverse the decision to lift Title 42 until the Department has solidified a plan to deal with the impending surge.

I was at the border just 2 weeks ago for about the sixth time since I became Ranking Member and I can tell you there certainly is no real plan for what is about to happen, at least according to then-Customs and Border Protection folks and everyone else who works down there. This has left many of our front-line law enforcement worried and more overwhelmed than they already have been. They, along with many State and local law enforcement officers, feel completely abandoned by this administration and this Department. Mental health issues with our Customs and Border Protection folks are at all-time high. In fact, another Customs and Border Protection agent took his life Sunday. That is the reality of what we are dealing with. The stress that they are dealing with is unconscionable.

What we are going through now is a self-inflicted disaster, but there are simple steps that the Department of Homeland Security and this administration can take now to deal with the crisis at the border. Protect Title 42. Effectively reinstate the Remain in Mexico Policy and stop fighting it tooth and nail. Use already-appropriated funding to continue building the border wall. Then pull factors that you have created that are making migrants from all over the world,—not just the Northern Triangle, not just Mexico—in fact, 70 percent of people outside that area are coming to this country now. That is a pull factor that this administration has created.

Homeland Security Republicans have multiple bills that have not been marked up by this committee that we believe are common-sense solutions and can help. I have a bill, The Border Security for America Act, and several of my other colleagues, including Representatives Meijer, Guest, and Higgins, have introduced bills that provide relief for the situation at the border.

Mr. Chairman, I am going to thank you again for holding this hearing today. I very much appreciate it.

Mr. Secretary, I thank you for appearing before us today. Look forward to your testimony and I look forward to the questions from my colleagues on both sides of the aisle.

I yield back.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Thank you for holding this important hearing today, Mr. Chairman, and thank you to our witness, Secretary Mayorkas, for appearing in front of the committee. It is refreshing to finally have you testify in person.

Before I start, I would like to take a minute to recognize the Texas National Guardsman (Bishop Evans) who tragically lost his life trying to save migrants who were drowning on the Southern Border last week.

I feel like I say this every year, but there truly has never been a more important time for this committee and the Department of Homeland Security. The recent and tragic events in Ukraine have once again highlighted the range of threats posed to our homeland from a variety of actors and have demonstrated how events around the world impact our security.

We, as Members of Congress, must ensure the resources we spend—Americans' hard-earned tax dollars—are spent properly in securing the homeland.

We do not have a dollar that we can afford to waste, and that's why this hearing is so important.

Before this hearing, I looked at my opening statement from last year. Unfortunately, many of the critical issues we were facing a year ago are just as acute today—and sadly, some of them are much, much worse.

This means that we must redouble our efforts in these key areas such as border security, cybersecurity, transportation security, and disaster preparedness.

Unfortunately, the President's budget proposal seems to be devoid of logic in addressing many of the crises we are facing, and the requested resources do not meet the realities of the threats we face or the pressing needs of the Department. The proposed budget requests a REDUCTION in funding for CISA when compared to what they received in the omnibus spending bill and proposes funding to modernize screening at our airports that would take 17 years to fully implement.

This void between reality and this budget request is even more apparent in its response, or lack thereof, to the crisis at the Southern Border. March marked the 13th straight month of over 150,000 encounters, a trend never before recorded.

Cumulatively, Customs and Border Protection has had more than 2 million encounters at the Southern Border since President Biden took office and already over 1 million encounters 6 months into this fiscal year. More than 15 months into this administration:

- We just had the highest number of border encounters in the past 20 years—221,000 in March 2022;
- As it was most recently reported, last year 23 people whose names appear on a U.S. terror watch list were stopped for illegally crossing the U.S.-Mexico border;
- CBP seized enough fentanyl in 2021 to kill 2.4 billion people, over 7 times the U.S. population.

Unfortunately, President Biden and Vice President Harris's approach to the Southern Border has not changed, and therefore neither has the problem—and in fact it has only gotten worse.

Mr. Secretary, on a trip to the Southern Border a few months ago you were quoted as saying, “. . . it's worse now than it frankly has been in at least 20 years—if not ever . . .”.

On top of these record-breaking numbers, the Biden administration earlier this month announced that Title 42 removals will end May 23. The DHS Office of Immigration Statistics projects that the U.S. Border Patrol could see up to 18,000 encounters per day once Title 42 authority is lifted.

There is no question that this will cause CBP to lose complete operational control over the Southern Border. And yet, the DOJ has decided to appeal the decision to lift the mask mandate for aviation and public transportation systems—I fail to see the logic behind repealing the use of Title 42, and yet arguing to re-instate a mask mandate on public transportation. At the very least, this mixed messaging confuses the American public.

I would like to join many of my colleagues, increasingly even on both sides of the aisle, in calling on the President to reverse the decision to lift Title 42, until the Department has solidified a plan to deal with the impending surge.

I was at the border just 2 weeks ago, and I can tell you, there currently is no real plan for what is about to happen. This has left many of our front-line law enforcement at the border worried and more overwhelmed than they already are. They, along with many State and local law enforcement officers along the border, feel completely abandoned by this administration and this Department.

What we are going through now is a self-inflicted disaster—but there are simple steps that DHS and this administration can take NOW to deal with the crisis at the border. Protect Title 42, effectively reinstate the Remain in Mexico Policy, use already-appropriated funding to continue building the border wall, and end pull factors for migrants.

Homeland Security Republicans have multiple bills that have not been marked up by this committee that we believe are common-sense solutions and can help—I have a bill, the Border Security for America Act, and several of my other colleagues, including Representatives Meijer, Guest, and Higgins, have introduced bills that would provide relief for the situation at the border.

Mr. Chairman, thank you again for holding this hearing. Mr. Secretary, thank you for appearing before us today—I look forward to your testimony.

Chairman THOMPSON. Other Members of the committee are reminded that under the committee rules opening statements may be submitted for the record. Members are also reminded that the committee will operate according to the guidelines laid out by the Chairman and Ranking Member in our February 3, 2021 colloquy regarding remote procedures.

I now welcome our witness, Secretary of Homeland Security, Alejandro Mayorkas.

Without objection, the witness' full statement will be inserted in the record.

I now ask the Secretary to summarize his statement for 5 minutes.

**STATEMENT OF HONORABLE ALEJANDRO N. MAYORKAS,  
SECRETARY, DEPARTMENT OF HOMELAND SECURITY**

Secretary MAYORKAS. Chairman Thompson, Ranking Member Katko, distinguished Members of the committee, thank you for giving me the opportunity to join you today. Chairman Thompson, Ranking Member Katko, I join you in mourning the loss of Guardsman Bishop Evans, as does the entire country.

Every day the 250,000 extraordinary personnel of the Department of Homeland Security interact with the public on a daily basis more than any other Federal agency. While created to respond to a single threat in the aftermath of 9/11, our Department has remained agile, adapting to new challenges as they arise, as responsibilities grow, and as our role increases in scale and scope.

The fiscal year 2023 budget is a \$97.3 billion investment in our capacity to meet the shifting threat landscape. The resources will give us the tools to protect our communities from terrorism, enhance border security, invest in the safe, orderly, and human immigration system, counter cyber attacks, safeguard our transportation networks, strengthen disaster preparedness and resilience, and much more.

On terrorism-targeted violence, the threat has evolved over the last 2 decades and we meet this challenge by equipping every level of government, the private sector, and local communities with the tools and resources they need to stay safe. In 2021, for the first time, we designated domestic violent extremism a National priority area in our FEMA grant programs, enhanced training opportunities for law enforcement, and increased our intelligence and information-sharing efforts. We are asking for additional funds to expand these operations.

In the wake of incidents like the hostage crisis in Colleyville, Texas, we have increased our resources for the vital Nonprofit Se-

curity Grant Program to \$250 million, thanks to the support of this committee in 2022 and we are increasing our request for 2023 to \$360 million to protect houses of worship and other nonprofits from terrorist and targeted violence.

Under this administration our Department has also been executing a comprehensive strategy to secure our borders and rebuild our immigration system. With a Title 42 public health order said to be lifted, we expect migration levels to increase as smugglers seek to take advantage of and profit from vulnerable migrants. We will continue to enforce our immigration laws. After Title 42 is lifted non-citizens will be processed pursuant to Title 8, which provides that individuals who cross the border without legal authorization are processed for removal, and if unable to establish a legal basis to remain in the United States, promptly removed from the country.

We started our planning last September and we are leading the execution of a whole-of-Government strategy which stands on 6 pillars to prepare for and manage the rise in non-citizen encounters.

No. 1, surge resources, including personnel, transportation, medical support, and facilities.

No. 2, increase efficiency without compromising the integrity of our screening processes to reduce strain on the border.

No. 3, administer consequences for unlawful entry, including expedited removal and criminal prosecution.

No. 4, bolster the capacity of NGO's and coordinate with State, local, and community partners.

No. 5, target and disrupt transnational criminal organizations and human smugglers.

No. 6, deter irregular migration south of our border in partnership with other Federal agencies and nations.

We inherited a broken and dismantled system that is already under strain. It is not built to manage the current levels and types of migratory flows. Only Congress can fix this. Yet we have effectively managed an unprecedented number of non-citizens seeking to enter the United States and interdicted more drugs and disrupted more smuggling operations than ever before. A significant increase in migrant encounters will strain our system even further and we will address this challenge successfully, but it will take time and we need the partnership of Congress, State and local officials, NGO's, and communities to do so.

To build on our on-going work in this budget, we have requested funding to hire 300 new Border Patrol agents, the first increase since 2011, to ensure the safe and humane treatment of migrants and to operationalize the new rule on asylum processing. We are requesting additional funds to counter human and drug smuggling operations, combat the heinous crimes of child exploitation and human trafficking and stop goods produced by forced labor from entering our markets.

Finally, our mission set includes a series of other essential priorities. DHS, through the Cybersecurity and Infrastructure Security Agency, protects our critical infrastructure from malicious cyber activity, a threat heightened due to Russia's unprovoked and brutal invasion of Ukraine. Our budget will expand our cybersecurity services, bolster our ability to respond to cyber intrusions, and

grow our cyber operational planning activities. DHS, through TSA, protects the traveling public. Our budget invests in paying TSA's dedicated personnel commensurate with their Federal colleagues and ensuring they receive employment protections. DHS, through FEMA and other agencies, continues to answer the risks posed by climate change and natural disasters growing in ferocity and frequency. Our budget invests in adaptation, resilience, improved response and recovery, and more.

We cannot do this alone. DHS is a department of partnerships. I look forward to working with this committee to carry out our wide-ranging mission on behalf of the American people.

Thank you.

[The prepared statement of Secretary Mayorkas follows:]

PREPARED STATEMENT OF ALEJANDRO N. MAYORKAS

APRIL 27, 2022

INTRODUCTION

Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee: I appreciate the opportunity to appear before you today to discuss the Department of Homeland Security's (DHS) fiscal year 2023 President's budget.

Every day, our Department interacts with the public more than any other Federal agency. While DHS was created in response to a singular threat, among the Department's most impressive achievements in the two decades since the terrorist attacks on September 11, 2001 is its ability to evolve to address multiple complex challenges at once. Through it all, our work force of more than 250,000 dedicated public servants has demonstrated exceptional skill and an unwavering commitment to keep every community across our country safe. The breadth of our mission and the scale of our impact requires organizational agility and appropriate resourcing to meet the dynamic and evolving threat landscape faced by our world-class work force.

The fiscal year 2023 President's budget requests \$97.3 billion for DHS. Of this amount, \$56.7 billion is discretionary funding, \$20.9 billion is for mandatory funding and fee collections, and \$19.7 billion is for the Disaster Relief Fund to support response, recovery, and resiliency during major disasters. This budget will help ensure that the DHS work force has the tools necessary to safeguard the American people, our homeland, and our values. These resources will protect American communities, enhance border security, invest in a fair and orderly immigration system, protect our Nation's networks and infrastructure from evolving cybersecurity threats, safeguard the transportation system, and strengthen disaster preparedness and climate resilience.

Thanks to the resources provided by Congress, the Department's extraordinary personnel have been able to accomplish highly impactful work throughout the Biden-Harris administration to date. The fiscal year 2023 President's budget request for DHS will enable us to continue delivering for the American people.

COMBATING TERRORISM AND TARGETED VIOLENCE

Combating all forms of terrorism and targeted violence is a top priority for DHS, and one that we cannot accomplish alone. As I have said several times before, the Department of Homeland Security is fundamentally a department of partnerships. Our ability to execute our critical mission relies on ensuring our partners across every level of government, in the private sector, and local communities have the tools and resources they need to stay safe.

Since the inception of this Department, the threat landscape has evolved dramatically and DHS has remained vigilant against all terrorism-related threats to the homeland. In the years immediately following the September 11 terrorist attacks, the Department focused on foreign terrorists who sought to harm us within our borders and threaten our interests abroad. This threat evolved to include home-grown violent extremists (HVEs)—the individuals in America who are primarily inspired by a foreign terrorist organization's ideology—and has continued to evolve to include those fueled by a wide range of violent extremist ideologies and grievances, including domestic violent extremists (DVEs). DVEs are U.S.-based lone actors and small networks who seek to further political or social goals wholly or in part through unlawful acts of force or violence, without direction or inspiration from a foreign ter-

rorist group or foreign power. These actors are motivated by various factors, including biases against minorities, perceived Government intrusion, conspiracy theories promoting violence, and false narratives often spread on-line.

Today, U.S.-based lone actors and small networks who are inspired by a broad range of violent ideologies, including HVEs and DVEs, pose the most significant and persistent terrorism-related threat to the homeland. The intelligence community assesses that racially- or ethnically-motivated violent extremists (RMVEs) who advocate for the superiority of the White race, including White supremacists, and militia violent extremists (MVEs), present the most lethal DVE movement in the homeland. Per a March 2021 DVE assessment by DHS, the Federal Bureau of Investigation (FBI), and National Counterterrorism Center (NCTC), RMVEs are most likely to conduct mass-casualty attacks against civilians, while MVEs typically target law enforcement, elected officials, and Government personnel and facilities.

In recognition of the gravity of the threat, I designated domestic violent extremism as a “National Priority Area” in our FEMA grant programs for the first time, while simultaneously increasing training opportunities for law enforcement partners through domestic violent extremism threat assessment and management programs. The fiscal year 2023 budget increases funding for the critically important Nonprofit Security Grant Program to \$360 million, to protect houses of worship and other non-profit organizations from terrorism, targeted violence, and other violent extremist attacks. The hostage crisis in Colleyville, Texas earlier this year, alongside other tragic incidents, makes clear the need for this critical resource.

Further, DHS has renewed its commitment to share timely and actionable information and intelligence to the broadest audience possible. The fiscal year 2023 budget includes an increase of \$10 million for our Office of Intelligence and Analysis to enhance information sharing, analytic capabilities, and intelligence production to combat emerging threats and better collaborate with public and private-sector partners.

#### SECURING OUR BORDER AND ENFORCING OUR IMMIGRATION LAWS

DHS works to secure and manage our borders while building a safe, orderly, and humane immigration system.

Violence, food insecurity, poverty, and lack of economic opportunity in several countries in the Western Hemisphere are driving unprecedented levels of migration to our Southwest Border. The devastating economic impact of the COVID-19 pandemic on the region has only exacerbated these challenges, while human smuggling organizations peddle misinformation to exploit vulnerable migrants for profit.

The Biden-Harris administration is committed to pursuing every avenue within our authority to secure our borders, enforce our laws, and stay true to our values. Yet, a long-term solution can only come from long-needed legislation that brings lasting reform to a fundamentally broken system.

On April 1, 2022, the Centers for Disease Control and Prevention (CDC) announced that, as of May 23, 2022, its Title 42 Public Health Order will be terminated. Title 42 is not an immigration authority, but rather a public health authority used by the CDC to protect against the spread of communicable disease. Until May 23, 2022, the CDC’s Title 42 Order remains in place, and DHS will continue to process families and single adults pursuant to the Order. However, beginning on May 23, 2022, DHS will return to processing families and single adults using Title 8 authorities.

Under Title 8 of the U.S. Code, those who attempt to enter the United States without authorization, and who are unable to establish a legal basis to remain in the United States (such as a valid asylum claim), will be removed. They are also subject to long-term consequences beyond removal from the United States, including bars to future immigration benefits.

In September 2021, DHS began planning in anticipation of the eventual lifting of the Order. DHS is leading a whole-of-Government plan to prepare for and manage projected increased encounters of noncitizens at our Southwest Border. Several elements of this plan are already being executed as we manage a historic number of encounters. In doing so, our objective continues to be the safe, orderly, and humane processing of noncitizens, consistent with our laws, while protecting National security and public safety.

The six pillars of our plan are as follows: (1) We are surging resources, including personnel, transportation, medical support, and facilities to support border operations; (2) we are enhancing United States Customs and Border Protection (CBP) processing efficiency and moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations and alleviate the burden on the surrounding border communities; (3) we are administering consequences for unlawful entry, includ-

ing removal, detention, and prosecution; (4) we are bolstering the capacity of non-Governmental organizations to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration proceedings, and we are ensuring appropriate coordination with, and support for, State, local, and community leaders to help mitigate increased impacts to their communities; (5) we are targeting and disrupting the transnational criminal organizations and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic weapons and drugs into our country; and (6) we are deterring irregular migration south of our border, in partnership with the Department of State, other Federal agencies, and nations throughout the Western Hemisphere to ensure that we are sharing the responsibility throughout the region.

DHS has deployed unprecedented numbers of personnel, levels of technology, and expanded resources to the Southwest Border. The Department has also made critical security improvements along the Northern Border, and invested in hiring additional U.S. Border Patrol personnel, fielding new technology, and bolstering infrastructure while also strengthening efforts to increase the security of the Nation's maritime borders. We have developed an integrated and scalable plan to activate and mobilize resources, increase processing and holding capacity while improving efficiency, and are implementing COVID mitigation measures. We are continuing to process migrants in accordance with our laws, including expeditiously removing those who do not have a valid basis to remain in the United States. With partners, we have launched a counter-network targeting operation focused on transnational criminal organizations affiliated with the smuggling of migrants, and in close coordination with the Department of Justice (DOJ), we will refer border-related criminal activity to DOJ for prosecution when warranted, including that of smugglers, repeat offenders, and migrants whose conduct warrants such a law enforcement response.

We must continue to leverage our dedicated work force and cutting-edge technology to continue to secure our borders. The President's budget requests \$1 billion for investments in effective and modern port and border security, including the modernization of facilities; investments in risk-based border security technology and assets; and efforts to ensure the safe and humane treatment of migrants. The budget funds the hiring of 300 new Border Patrol agents and 300 new Border Patrol Processing Coordinators to respond to migration along the Southwest Border. The additional Processing Coordinators will allow agents to focus on their core law enforcement mission in the field. If enacted, this would be the first increase in the number of Border Patrol agents since 2011.

In addition to our work to secure our borders, we are building a fair, orderly, and humane immigration system. United States Citizenship and Immigration Service (USCIS) administers the Nation's lawful immigration system. Last year, USCIS received approximately 9.1 million applications, petitions, and requests that spanned more than 50 different types of immigration benefits. USCIS welcomed 855,000 new U.S. citizens and has already naturalized 429,000 individuals this year. USCIS also approved over 172,000 employment-based adjustment of status applications in 2021 and completed approximately 39,000 affirmative asylum cases and 44,000 credible fear determinations.

Earlier this year, DHS and DOJ published an interim final rule to improve and expedite the processing of asylum claims for recently arriving migrants. The fiscal year 2023 budget includes \$375 million for USCIS to support asylum adjudications, including resources to operationalize this transformative rule, ensuring that those who are eligible for asylum are granted relief quickly, while those who are not can be promptly removed. In addition, the fiscal year 2023 budget requests approximately \$389 million for USCIS to continue to reduce application and petition backlogs, process refugee admissions, and administer international programs.

On the first day of the Biden-Harris administration, DHS issued new immigration enforcement priorities for the Department, instructing DHS officers and agents to prioritize the apprehension and removal of noncitizens who pose threats to National security, public safety, and border security. On September 30, 2021, I issued a superseding memorandum entitled Guidelines for the Enforcement of Civil Immigration Law. These updated enforcement priorities, which went into effect on November 29, 2021, instruct DHS officers to prioritize the apprehension and removal of noncitizens who are threats to National security, public safety, or border security. To grow and innovate the tools DHS employs to enforce our immigration laws and ensure related compliance, ICE will expand the Alternatives to Detention (ATD) program to enable it to supervise a larger population of noncitizens in immigration enforcement proceedings. The budget includes an increase of \$87 million to accommodate this continued expansion of the ATD program.

COMBATING HUMAN TRAFFICKING, FORCED LABOR, CHILD EXPLOITATION, AND  
PROTECTING VICTIMS

The DHS Center for Countering Human Trafficking (CCHT) oversees the DHS mission to combat human trafficking and the importation of goods produced with forced labor. In 2021, the CCHT reduced the processing time for Continued Presence authorizations from 30 days to 15 days, better serving victims of human trafficking by affording them a legal means to temporarily live and work in the United States. CCHT also worked closely with ICE Homeland Security Investigations (HSI) to initiate more than 1,100 human trafficking investigations, make more than 2,300 criminal arrests related to human trafficking, and assist over 720 victims of human trafficking. Additionally, ICE continued, and in some instances strengthened, its valuable relationships with foreign law enforcement partners to facilitate the arrest of fugitives with active criminal arrest warrants from their home countries.

The DHS Child Exploitation Investigations Unit (CEIU)—part of the HSI Cyber Crimes Center (C3)—leads the Nation in the fight against on-line child sexual abuse. CEIU detects and apprehends producers and distributors of child sexual abuse material and perpetrators of transnational child sexual abuse; identifies and rescues child victims around the world; and trains domestic and international law enforcement partners in cutting-edge investigative practices. In fiscal year 2021, CEIU identified and/or rescued 1,177 child victims in child exploitation investigations. CEIU also arrested 3,776 individuals for crimes involving the sexual exploitation of children and helped to secure more than 1,500 convictions. Additionally, CEIU's Angel Watch Center issued 1,722 notifications regarding international travel by convicted child sex offenders, resulting in more than 600 denials of entry by foreign nations.

The fiscal year 2023 President's budget requests \$18 million in dedicated funding for the CCHT, which would be the first appropriated funding for this critically important Center. The budget would also enable the permanent relocation of the DHS Blue Campaign to the CCHT, ensuring organizational alignment of the Department's anti-human trafficking efforts. Additionally, the budget includes \$59 million to support the DHS Cyber Crimes Center, including its Child Exploitation Investigations Unit, which is leading the fight against the horrific epidemic of on-line child exploitation. To support these critical operations, the budget also provides \$25 million to expand the efforts of the Victim Assistance Program, which delivers essential support to victims encountered during HSI investigations. This funding will allow HSI to hire 59 new victim assistance specialists and will enhance HSI's victim-centered approach as it takes on investigations of a wide range of Federal crimes, including human trafficking, child sexual exploitation, financial scams targeting the elderly and other vulnerable populations, white-collar crimes, and human rights abuses.

In response to the Federal requirements under the Uyghur Forced Labor Prevention Act (UFLPA), signed into law by President Biden on December 23, 2021, DHS is leading the development of a whole-of-Government enforcement strategy as the chair of the Forced Labor Enforcement Task Force. In the fiscal year 2023 President's budget, DHS requests \$70 million to secure the necessary personnel, technology, training, and outreach that CBP needs to enforce the UFLPA and prevent the importation of goods made with forced labor from China. This investment will strengthen CBP trade enforcement activities and expand capacity due to anticipated workload increases at U.S. ports of entry.

PROTECTING THE TRAVELING PUBLIC

The Transportation Security Administration's (TSA) key mission is to keep our traveling public safe. In fiscal year 2021, TSA screened more than 491 million travelers and prevented a record number of firearms from being carried past security checkpoints into secure areas of airports and onto airplanes. On average, almost 98 percent of passengers waited less than 20 minutes at airport security checkpoints, while 96 percent of passengers in a TSA PreCheck lane waited less than 5 minutes. These wait times evidence TSA's on-going efforts to improve the customer service and air travel experience for the traveling public, while protecting National security and public safety.

Since the inception of TSA 20 years ago, the screening work force that keeps the American traveling public safe has been paid at a substantially lower rate than the rest of the Federal Government. TSA's strategic success depends upon how well we attract, hire, train, develop, promote, and retain our work force. This budget invests a historic \$992 million for expanded labor relations support capability, equal access to the Merit Systems Protection Board, and pay equity to ensure the TSA work force

is provided employment protections and pay commensurate with other Federal employees.

Further, passenger volume projections and workflow analysis for fiscal year 2023 have determined, as passenger volume approaches pre-pandemic levels, an increase in personnel is required to ensure security standards at airport checkpoints are met and the traveling public does not experience excessive wait times. The fiscal year 2023 budget includes \$243 million to address these projections and hire the personnel TSA needs to meet this critical mission.

#### BUILDING RESILIENCE TO DISASTERS AND CLIMATE CHANGE

DHS continues combating the climate crisis and mitigating climate change-related risks, which pose a grave threat to the safety, security, and prosperity of our communities. It is vital for the Department to lead by example by minimizing its own environmental impact, promoting resilience against the risks posed by climate change, and facilitating adaptation to reduce international and domestic climate change-related threats. From extreme heat and fires in the West to extreme storms in the Southeast, flooding in the Midwest to ice melting in the Arctic, DHS is on the front lines of helping communities develop resilience and respond to these threats.

To this end, DHS is investing in adaptation to support community resilience, increasing response and recovery capabilities, and making the disaster assistance process more accessible and equitable. The fiscal year 2023 budget provides \$3.4 billion for Hazard Mitigation grants, Building Resilient Infrastructure and Communities grants, and the Flood Hazard Mapping and Risk Analysis program to mitigate the effects of climate change through community partnerships, improved disaster resilience, and preparedness strategies. In addition, the Department's investments in several climate change initiatives will include a total of \$76 million to transition our vehicle fleet to electric vehicles and \$50 million for various projects in resilience, energy, and sustainability. These investments will ensure DHS missions and support structures can both adapt to the impacts of climate change and mitigate the Department's greenhouse gas emissions impact on climate change.

The fiscal year 2023 budget request includes \$19.7 billion for FEMA to assist State, local, Tribal, and territorial partners and individuals affected by major disasters and provides a total of \$3.5 billion in Federal assistance to support local preparedness stakeholders through grants, training exercises, and other support activities.

#### PROTECTING OUR MARITIME SECURITY

Since its founding, the United States Coast Guard (USCG) has protected National and economic security in a complex and evolving maritime environment. In fiscal year 2021, the USCG saved nearly 4,750 lives and prevented more than \$61 million in property loss. While executing their counter-drug law enforcement mission, they removed over 381,000 pounds of cocaine and over 71,000 pounds of marijuana worth an estimated \$7.2 billion in wholesale value.

The fiscal year 2023 budget provides \$817 million for the Coast Guard's two highest acquisition priorities, the Offshore Patrol Cutter (OPC) and the Polar Security Cutter (PSC). The OPC will replace the Coast Guard's fleet of Medium Endurance Cutters that conduct missions on the high seas and coastal approaches. The PSC supports National interests in the Polar Regions and provides assured surface presence in those ice-impacted waters. The budget also requests \$125 million to acquire a commercially-available polar icebreaker to increase near-term presence in the Arctic until the PSC fleet is operational.

The fiscal year 2023 budget also provides the necessary resources for the Coast Guard to conduct today's highest-priority operations in support of National objectives and continue investments in USCG readiness. The budget invests \$124 million to support the operations, maintenance, and crewing of new assets to include 5 Fast Response Cutters, National Security Cutters No. 10 and No. 11, OPCs No. 2 and No. 3, a commercially-available icebreaker, and 3 C-27J aircraft. Administration priorities include increasing operations in the Indo-Pacific and Atlantic Basin, and the budget invests \$88 million to promote Coast Guard missions in these regions, along with strengthening cyber resilience and investing in the work force.

#### STRENGTHENING OUR NATION'S CYBERSECURITY

Cyber threats from nation-states and state-sponsored and criminal actors remain one of the most prominent threats facing our Nation. This threat has been heightened by the on-going Russia-Ukraine crisis. On March 21, 2022, President Biden warned that evolving intelligence indicates the Russian government is exploring op-

tions for potential cyber attacks against the United States. Within the past year-and-a-half, we have seen numerous cybersecurity incidents impacting organizations of all sizes and disrupting critical services, from the SolarWinds supply chain compromise to the exploitation of Log4j vulnerabilities found in Microsoft Exchange Servers and Pulse Connect Secure devices. Further, ransomware incidents—like those impacting Colonial Pipeline, JBS Foods, and Kaseya—continue to rise, as high-impact ransomware incidents against critical infrastructure organizations have increased globally, impacting organizations of all sizes. The rate at which cyber incidents occur is rapidly increasing, and it is the Department's responsibility to help protect our Nation's civilian networks and critical infrastructure from these attacks.

DHS, through the Cybersecurity and Infrastructure Security Agency (CISA), continues to work closely with partners across every level of government, in the private sector, and with local communities to protect our country's networks and infrastructure from malicious cyber activity.

CISA has since taken several steps to increase our Nation's cybersecurity and resilience, including by creating the Joint Cyber Defense Collaborative (JCDC) to develop and execute joint cyber defense planning with partners at all levels of government and the private sector; launching the Shields Up campaign in February 2022, recognizing the heightened risk of malicious cyber activity related to the Russia-Ukraine conflict, to amplify on-line free cybersecurity resources and guidance for how organizations of every size and across every sector can increase their cybersecurity preparedness; and working with Federal, State, local, and election technology partners to protect election systems from interference.

The President's fiscal year 2023 budget request includes \$174 million for CISA to continue the work established through the American Rescue Plan Act of 2021, to expand cybersecurity service offerings that protect Federal networks and critical infrastructure against evolving cyber threats. These funds will allow CISA and its partners to adapt to new systematic risks and maintain the progress gained in taking actions to bolster critical operational and strategic cyber risk mitigation capabilities. In addition, the budget also provides \$425 million for the CISA Continuous Diagnostics and Mitigation program to strengthen the security of Federal Government civilian networks and systems. These efforts will close the crucial gaps that exist in large agency enterprises and provide CISA with visibility into unauthorized, potentially malicious activity targeting Federal networks. The budget further includes \$68 million for the JCDC, an increase of \$15 million, to ensure CISA can continue expanding critical cyber operational planning and partner engagement activities.

#### ADDITIONAL AUTHORIZATIONS

In addition, there are two reauthorizations that the Department requires to continue its work in critical mission spaces.

First, the authority to establish and operate Joint Task Forces (JTFs) sunsets at the end of this fiscal year. JTFs provide a direct operational coordination layer to enhance the multi-faceted challenges facing DHS. JTFs remove stove-piped approaches to meeting challenges. They do this by developing and implementing an integrated approach that maximizes resources and capabilities within the Department for long-term missions and challenges. Today, JTF-East is responsible for ensuring Departmental unity of effort in the southern maritime approach to the United States and demonstrates the tangible, positive impacts that JTFs can have on enhancing DHS operations.

Beyond setting cross-Department wide goals and planning in a unified manner, JTFs further the Department's maturation by empowering Department officials to focus the Department's resources to achieve DHS goals. This realizes the promise in the Homeland Security Act and subsequent creation of DHS to bring together organizations with homeland security roles in a coherent whole to achieve comprehensive security.

Last, the Department appreciates Congress providing authority for DHS to conduct counter unmanned aircraft systems (C-UAS) operations. Detection efforts and C-UAS deployments during the past 2 years have confirmed the threat from unmanned aircraft systems (UAS) is real and significant. Components are combating a multitude of threats from malicious and errant UAS operators, including thousands of illegal cross-border flights every year, surveillance of our agents and operations, conveyance of contraband across the border, and the potential for drones to cause disruptions at airports and other critical infrastructure with great economic and impact. DHS has deployed C-UAS equipment over 250 times to protect senior Government leaders, Special Event Assessment Rating events, National Special Se-

curity Events, the Southern Border, and other sensitive Federally-protected facilities.

We look forward to engaging with you, your staff, and other key stakeholders in the near future regarding the recently submitted C-UAS legislative proposal.

#### CONCLUSION

It is among the greatest privileges of my career to represent and work alongside the dedicated public servants who are DHS and who work tirelessly, selflessly, and often at great personal sacrifice to execute our critical mission. The fiscal year 2023 President's budget requests the necessary funding and authorities for the Department to carry out its wide-ranging mission and remain vigilant to defend against and combat a dynamic threat landscape, while protecting privacy, civil rights, and civil liberties.

Thank you for the opportunity to appear before you and discuss the Department's fiscal year 2023 budget request. I look forward to taking your questions.

Chairman THOMPSON. I thank the Secretary for his testimony.

I remind each Member that he or she will have 5 minutes to question the witness. It is my understanding that because we expect votes, I am going to adhere to that 5-minute rule very strictly.

I will now recognize myself for questions.

Mr. Secretary, in your testimony you discuss how the 2 decades since 9/11 the homeland threat picture has shifted dramatically from foreign terrorists to domestic terrorists, in particular, racially-motivated violent extremists who present the most lethal threat to the homeland.

What is your current assessment of the domestic terrorism threat to our country?

Secretary MAYORKAS. Mr. Chairman, it is our assessment that domestic violent extremism poses the greatest terrorism-related threat to our homeland. We have taken a number of steps in the Department of Homeland Security to meet this consequential challenge.

First, our Office of Intelligence and Analysis created a separate section in its office to focus on this particular threat stream.

Second, we have disseminated an unprecedented number of intelligence and information products to State and local law enforcement so that they are equipped to recognize and address the challenge in their respective jurisdictions. We also created the Center for Prevention Programs and Partnership—we call it CP3—to equip and resource communities to recognize and address the challenge within their boundaries. We believe that empowerment of local communities and State and local law enforcement is the best vehicle to address this challenge today.

Chairman THOMPSON. Thank you.

Recently a number of historically Black colleges and universities, as well as religious institutions, received threats. What is the Department doing to address this type of domestic violent extremism in America?

Secretary MAYORKAS. Mr. Chairman, a few weeks ago I had a meeting with presidents of historically Black colleges and universities and a few weeks ago I met with faith-based institutions in Detroit, Michigan to hear from them with respect to the resources they need, the challenges they confront, how they can make their respective institutions welcoming at the same time as secure. One of the key takeaways was, again, the need for increased funding through the Nonprofit Security Grant Program, which this com-

mittee has historically supported, and we are appreciative of that. To make sure that those grant dollars, those critical grant dollars are accessible to all, even those that might not have the resources or infrastructure to otherwise access our programs. An equality of access and ease of access are core principles of ours and we are working to strengthen our operations in that regard.

Chairman THOMPSON. Thank you.

Now, the Department is charged with securing the homeland, not just the border. You released 12 priorities across DHS's mission space to guide your strategic focus through 2022. Can you please share with the committee the highlights of these priorities and how they will advance the Department's critical mission?

Secretary MAYORKAS. Mr. Chairman, we set out to—I published 12 priorities for the Department. I did so in March of this year. Six of the priorities are focused on advancement of the organization as an institution and 6 are mission-specific.

I can give some examples of the critical priorities.

Increase the integration and effectiveness of the Department as an organization, harness technology, ensure that we are not only espousing but critically implementing the core principles of diversity, equity, inclusion, and opportunity throughout our work force, including at all levels of leadership. A mission-specific area. These are just but a few examples. Of course, fighting transnational criminal organizations and smuggling operations to better secure our border, fighting terrorism and targeted violence, combatting human smuggling and child exploitation. These are some of the 12 priorities that I identified. We developed them in collaboration with leadership throughout the Department in an inclusive and open way.

Chairman THOMPSON. Thank you very much.

The Chair yields back.

Recognize the Ranking Member from New York.

Mr. KATKO. Thank you, Mr. Chairman. Mr. Secretary, thank you again for your testimony today.

You know, when you were speaking I was thinking of what I view as two of the major threats to this country right now from a homeland standpoint, one of them being cybersecurity threat, which is quite substantial. The only thing I can say about that is I think you are doing a pretty good job and the administration is doing a pretty decent job with cybersecurity. I wish a budget would reflect more funding for CISA, which I think they need more than what they are getting in their funding package, but they are going in the right direction and I am happy for that.

The other threat I think about is the border. I think it is a very substantial threat. Now, I have spoken to the rank-and-file agents and officers on the front lines of the border crisis again and again and they have consistently and repeatedly told me they are overwhelmed and understaffed. Border Patrol agents have also told me that once Title 42 authority ends, there will be an even bigger surge of migrants attempting to cross—in fact, unprecedented surges—and they will lose operational control of some or all the Southwest Border, notions that you yourself have acknowledged as well. According to a Department of Homeland Security document,

once Title 42 restrictions are lifted, Federal law enforcement are bracing for encounters up to 18,000 migrants per day.

Mr. Chairman, I ask unanimous consent to submit that document for the record.

Chairman THOMPSON. Without objection, so ordered.  
[The information follows:]

Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland Security**

April 26, 2022

MEMORANDUM FOR: Interested Parties

FROM: Alejandro N. Mayorkas  
Secretary of Homeland Security

SUBJECT: **DHS Plan for Southwest Border Security and Preparedness**

#### EXECUTIVE SUMMARY

Under the Biden-Harris Administration, the Department of Homeland Security (DHS) has been executing a comprehensive and deliberate strategy to secure our borders and build a safe, orderly, and humane immigration system. After inheriting a broken and dismantled immigration system, since January 2021 DHS has effectively managed an unprecedented number of noncitizens seeking to enter the United States and interdicted more drugs and disrupted more smuggling operations than ever before.

The legal authority for enforcing our border security and immigration laws comes from Title 8 of the U.S. Code. Among other things, Title 8 provides that individuals who cross the border without legal authorization are processed for removal and, if unable to establish a legal basis to remain in the United States, promptly removed from the country.

In March 2020, the Centers for Disease Control and Prevention (CDC) invoked a section of Title 42 of the U.S. Code, a law addressing public health, not immigration, to require the immediate expulsion of noncitizen single adults and families in order to protect Americans from the spread of COVID-19. As a result, a significant percentage of all noncitizens encountered at the Southwest Border are currently expelled pursuant to the Title 42 public health Order. Beginning in September 2021, DHS began planning in anticipation of the eventual lifting of Title 42. On April 1, 2022, CDC announced that it was lifting the Order effective May 23. All noncitizens will then be processed pursuant to Title 8 once again.

When the Title 42 public health Order is lifted, we anticipate migration levels will increase, as smugglers will seek to take advantage of and profit from vulnerable migrants. The increase in migration being experienced by the United States is consistent with larger global trends: there are currently more people in the world displaced from their homes than at any time since World War II, including in the Western Hemisphere.

This memorandum provides more details on how DHS is leading the execution of a whole-of-government plan to prepare for and manage increased encounters of noncitizens at our Southwest Border. Many elements of this plan are already being implemented as we manage a historic number of encounters, including a record number of noncitizens trying to enter the United States multiple times. Others are elements that we are prepared to implement once the Title 42 termination goes into effect. The six pillars of our plan are as follows:

**Border Security Pillar 1: We are surging resources, including personnel, transportation, medical support, and facilities to support border operations.**

U.S. Customs and Border Protection (CBP) currently has 23,000 Agents and Officers working along the Southwest Border, which includes a recent increase of 600 personnel and support of law enforcement officers and agents from other government agencies. Additionally, approximately 500 Agents have been returned to the vital border security mission as a result of increased civilian processing personnel to perform those functions, as well as processing efficiency. By May 23, we will be prepared to hold approximately 18,000 noncitizens in CBP custody at any given time, up from 13,000 at the beginning of 2021, and we have doubled our ability to transport noncitizens on a daily basis, with flexibility to increase further. In order to safeguard public health and the safety of our workforce, noncitizens, and border communities, our efforts also include medical support and COVID-19 mitigation protocols, including testing and administering age-appropriate COVID-19 vaccines in 24 CBP sites by May 23, building on our existing vaccination program for those in Immigration and Customs Enforcement (ICE) custody.

**Border Security Pillar 2: We are increasing CBP processing efficiency and moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations and to alleviate the burden on the surrounding border communities.**

This includes launching three new initiatives, which will support these decompression efforts, while ensuring the continued integrity of our security screening processes: Enhanced Central Processing Centers; en route processing; and streamlined processing. CBP is also working to increase processing efficiency at Ports of Entry (POEs) to further facilitate safe and orderly inspection of noncitizens.

**Border Security Pillar 3: We are administering consequences for unlawful entry, including removal, detention, and prosecution.**

Core to this plan is our commitment to continue to strictly enforce our immigration laws. This includes increased use of Expedited Removal, detaining single adults when appropriate, referring for prosecution those whose conduct warrants it, and accelerating asylum adjudications that enable us to more quickly process and remove from the United States those who do not qualify for relief under our laws.

**Border Security Pillar 4: We are bolstering the capacity of non-governmental organizations (NGOs) to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration removal proceedings. And, we are ensuring appropriate**

**coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities.**

Our goal is to help communities alleviate the pressures they experience by expanding NGO capacity, through communication and coordination with all relevant partners, and other assistance such as the Emergency Food and Shelter Program (EFSP), a Federal Emergency Management Agency (FEMA) grant program that supplements and expands ongoing work of local NGOs to meet the needs of local agencies.

**Border Security Pillar 5: We are targeting and disrupting the transnational criminal organizations (TCOs) and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic drugs into our country.**

In April 2022, DHS and other federal agencies intensified our disruption efforts, marshalling the largest surge of resources and disruptive activities against human smuggling networks in recent memory. The immediate result has been over 2,500 arrests, investigations, and disruptions of smuggling infrastructure, such as buses and safe houses. The federal government has also established a new intelligence unit to coordinate and strengthen the capability for early warning of migrant movements.

**Border Security Pillar 6: We are deterring irregular migration south of our border, in partnership with the Department of State (DOS), other federal agencies, and nations throughout the Western Hemisphere, to ensure that we are sharing the responsibility throughout the region.**

In the past two months, we have signed new migration agreements with Costa Rica and Panama and continue close cooperation with Mexico. We are also sending a clear message in the region to counteract misinformation from smugglers, including that the termination of the Title 42 public health Order does not mean that the U.S. border is open. As we execute this work, our objective continues to be the safe, orderly, and humane processing of noncitizens, consistent with our laws, while protecting national security and public safety. Across all of our work in this space, we are ensuring we can uphold our laws and our values in treating noncitizens in a humane way, as we did last year when we rapidly addressed the acute needs of unaccompanied children at the Southwest Border.

**Conclusion**

Our outdated immigration system was not built to manage the current levels and types of migratory flows that we are experiencing and is already under strain. This is true at the federal level, as well as for state, local, and NGO partners. However, we have been able to manage increased encounters because of prudent planning and execution, and the talent and unwavering dedication of the DHS workforce and our state, local, and community partners.

Despite these efforts, a significant increase in migrant encounters will substantially strain our system even further. We will address this challenge successfully, but it will take time, and we need the partnership of Congress, state and local officials, NGOs, and communities to do so. We are operating within a fundamentally broken immigration system that only Congress can fix.

## **BACKGROUND**

**After inheriting a broken and dismantled immigration system, the Biden-Harris Administration is securing the border and building a fair, orderly, and humane immigration system, with demonstrable results since January 2021.**

The Biden-Harris Administration inherited a broken and dismantled immigration system. On January 20, 2021, the President sent the *U.S. Citizenship Act of 2021* to Congress with a call for urgent action. At DHS, we are working every day, despite that broken system, to secure our borders and build a more just immigration system.

### **Securing the Border**

DHS works tirelessly to secure the Southwest Border through a combination of highly trained personnel, sophisticated ground and aerial monitoring systems, and robust intelligence and information sharing networks. Through this layered border security network, we have a better understanding of who is attempting to enter the country than ever before and can focus our enforcement efforts more effectively to address potential threats.

The greatest asset in our border security network is the DHS workforce. There are currently over 23,000 CBP Agents and Officers working along the Southwest Border. Over the past year, DHS has supplemented permanent staff by overseeing the deployment of more than 10,000 additional federal personnel to the Southwest Border in multiple rotations. This includes CBP Agents and Officers; other agency law enforcement personnel; personnel from the Department of Defense (DOD), which has supporting CBP operations since 2006, and the DHS Volunteer Force. Personnel have been added to increase patrols along the Southwest Border to prevent the entry of people and goods between POEs, enhance processing efficiency, and increase humanitarian capacity. DHS also has worked to train thousands of additional agents and officers and execute contracts for processing assistance to further augment border security efforts.

DHS has been investing in technology and installing new systems to enhance border security and the effectiveness of our operations, including advanced automated surveillance towers, ground movement detection systems, and new aerial platforms. These efforts have delivered concrete results, as further described below.

With support from Congress, DHS has been applying appropriated financial resources to support our efforts. In the Fiscal Year (FY) 2022 budget, DHS secured additional resources: \$100 million to strengthen Border Patrol Agent hiring programs and contract for processors to work in Border Patrol stations; more than \$250 million in funding for border security technology; over \$85 million for non-intrusive inspection technology to scan vehicles and goods entering the country; and more than \$70 million for additional aircraft and sensors. In addition, Congress allocated \$1.4 billion to support contingency operations on the Southwest Border.

### **Building a More Just Immigration System**

Along with our efforts to secure the border, over the past 15 months, we implemented critical reforms that ended cruel and unjust policies of the prior Administration. We have issued new guidelines regarding immigration enforcement priorities that focus the Department's resources

on the apprehension and removal of noncitizens who pose a threat to our national security, border security, or public safety. These guidelines mark a new approach to enforcement as they focus resources on those who pose the greatest threat. The most recent guidelines also enable the Department's experienced personnel to use their discretion and focus DHS enforcement resources in a more targeted way, while protecting civil rights and civil liberties.

The results speak for themselves. ICE Enforcement and Removal Operations (ERO) arrested an average of 1,034 aggravated felons per month from February through September 2021, a 53 percent increase over the monthly average during 2016 and a 51 percent increase over the period 2017-2020. During the same period in 2021, ICE removed an average of 937 aggravated felons per month, the highest level ever recorded and the greatest public safety impact since ICE began collecting detailed criminality data. From February-September 2021, 46 percent of ICE removals were of serious criminals overall (persons convicted of felonies or aggravated felonies), compared to 17 percent during 2016 and 18 percent during 2017-2020.

The Department is committed to protecting vulnerable populations and has taken several significant steps to advance our efforts on this front. A few examples:

- We have implemented actions to promote a fair labor market by focusing our enforcement on unscrupulous employers, thereby supporting more effective enforcement of wage protections, workplace safety, labor rights, and other employment laws and standards.
- We have issued a new, comprehensive policy that provides an expanded and non-exhaustive list of Protected Areas – such as courthouses, places of worship, and disaster or emergency relief sites – to ensure that enforcement actions, to the fullest extent possible, are not taken at or near a location that would restrain people's access to essential services or engagement in essential activities.
- We have made significant strides in improving the conditions of care in detention facilities including implementing trauma-informed care in CBP facilities, hiring additional child welfare and medical providers to work in CBP facilities, implementing new policies establishing standards of care for vulnerable individuals, and closing facilities that repeatedly have failed to maintain safe conditions.
- In partnership with DOS, we reimplemented and expanded the Central American Minors program to increase the pool of qualified candidates who can access this safe, orderly pathway. For example, the expansion now allows legal guardians in the United States with a pending asylum application or U visa petition to sponsor their children for resettlement consideration.
- In partnership with the Department of Health and Human Services (HHS), we ensured the safe and humane treatment of unaccompanied children in our custody by quickly reducing the average time to transfer a child into HHS care and the number of unaccompanied children in Border Patrol facilities.
- And critically, we have reunited more than 200 families who were cruelly and unjustly separated at the U.S.-Mexico border by the prior Administration and are working to reunite many more.

## STATE OF MIGRATION

**The United States is experiencing an increase in migration, consistent with larger global trends. There are currently more people in the world displaced from their homes than at any time since World War II, including in the Western Hemisphere.**

Over the past few years, irregular migration along the Southwest Border has increased to unprecedented levels and presents new challenges that affect our processing and complicate removals. In the past three weeks, CBP has encountered an average of over 7,800 migrants per day across the Southwest Border. This is compared to a historical average of 1,600 per day in the pre-pandemic years (2014-2019). In addition to this exponential increase, DHS has seen a pronounced shift in the demographics and nationalities of noncitizens encountered at and between land ports of entry – with more single adults claiming fear, varying levels of family units, and a steady flow of unaccompanied children, who have unique vulnerabilities and needs. Migrants from Cuba, Venezuela, and Nicaragua have steadily increased, accounting for 37 percent of FY 2022 non-Mexican encounters to-date, up from 8 percent between 2014-2019. And due to the sharp increase in encounters of Ukrainians at the Southwest Border in the wake of the Russian invasion of Ukraine, we have established a new program for processing Ukrainians in Europe that will substantially reduce incentives to seek admission via Mexico.

The United States is not alone in experiencing an increase in migration. There are currently more people displaced from their homes across the world than at any time since World War II. In our hemisphere, violence, food insecurity, severe poverty, corruption, climate change, the COVID-19 pandemic, and dire economic conditions all contribute to the increase. More than 6 million Venezuelan refugees and migrants have fled their homes, making this the second-largest external displacement crisis in the world. Seventeen countries in Latin America and the Caribbean generously host approximately 80 percent of this Venezuelan diaspora, including an estimated 1.8 million in Colombia, 1.3 million in Peru, and large numbers in Ecuador, Chile, Brazil and elsewhere. Costa Rica, a country of only 5 million people, is hosting approximately 150,000 Nicaraguan migrants.

Noncitizens making their way to the Southwest Border travel via air, land, and sea into Mexico and up to Mexico's northern states. These movements into and through Mexico are often facilitated by numerous human smuggling organizations that exploit them for profit, and involve crossing inhospitable jungles, rugged mountains, and raging rivers, often with small children in tow. Upon reaching the border area, noncitizens seeking to enter the United States without going through the POEs pay cartels to guide them along the final miles of their journey. This cartel-controlled movement of people across the border is a billion-dollar criminal enterprise. The cartels willfully place noncitizens in danger during their journey. Tragically, a significant number of individuals perish along the way. The depth of suffering these migrants are willing to endure speaks to the desperation they feel about their prospects in their home countries.

**When the Title 42 public health Order is lifted, we anticipate migration levels will increase further, as smugglers will seek to take advantage of and profit from vulnerable migrants. We will continue to remove individuals without legal claims under Title 8, consistent with our laws.**

Following the lifting of CDC's Title 42 public health Order, we expect increased border flows, in light of exploitation by smugglers, continued demand for access to the United States from people fleeing violence and economic turmoil in their home countries, and other factors discussed above. In preparation for this, DHS operational agencies and partners have planned for multiple scenarios to ensure preparedness and the safe, orderly, and humane processing of individuals, consistent with our laws.

#### Migration Authorities

As noted above, we have been managing historic levels of migration: 1.72 million encounters by CBP in FY 2021. DHS completed 1.2 million repatriations in FY 2021, via a combination of immigration enforcement removals pursuant to Title 8 and public health expulsions pursuant to Title 42. This was the highest number of repatriations since 2006.

Since March 2020, CDC's Title 42 public health Order has required the immediate expulsion of noncitizen single adults and families at the Southwest Border to mitigate risk to the American public due to COVID-19. As a result, a significant percentage of all noncitizens encountered at the Southwest Border are currently expelled pursuant to Title 42. The large number of expulsions during the pandemic has contributed to a higher-than-usual number of noncitizens making repeated border crossing attempts: more than one in three encounters at the Southwest Border are repeat entrants, including almost half of single adult encounters. Thus, while total enforcement encounters increased 82 percent between 2019 (the last pre-pandemic year) and 2021, the number of unique individuals encountered at the border increased by 30 percent.

In light of CDC's decision to terminate Title 42, beginning on May 23, 2022, families and single adults who cross the border without legal authorization will be placed into Title 8 removal proceedings. Under Title 8 authorities, noncitizens without a viable asylum claim or unable to establish a legal basis to remain in the United States are removed to their home countries. Economic need and flight from generalized violence are not a basis for asylum in the United States. Only those with a well-founded fear of persecution based on protected grounds are eligible for asylum. Expedited Removal is a tool to quickly remove individuals who do not express a fear of return to their home country, following an assessment of asylum claims. In addition, Mexican migrants can be quickly removed under Voluntary Removal, a process that in practice takes about the same amount of time as an expulsion pursuant to Title 42. There are consequences to entering without authorization. Recent arrivals ordered for removal or subject to Expedited Removal are generally subject to a five-year bar on admission to the United States, and reentry within this five-year period after removal is subject to felony prosecution.

Of note, our border security efforts also address irregular maritime migration, which is always dangerous and often deadly. The termination of Title 42 will not impact the U.S. Coast Guard's (USCG) ability to rescue and intercept individuals attempting this dangerous journey. Individuals interdicted at sea who are attempting to enter the United States irregularly are, and will continue to be, subject to repatriation to their home country. DHS continues to maintain its readiness in the maritime domain and has longstanding plans and procedures that govern how to respond to any potential increase in maritime migration.

#### Border Processing

CBP Agents and Officers work tirelessly to detect and interdict noncitizens who cross the border. Upon encountering individuals who have entered between POEs, Border Patrol Agents transport them to stations for processing. This includes verifying their identities through a review of their documents and biographic information, as well as the collection of biometric records. Each individual processed by CBP is screened against numerous records systems, including the FBI's Terrorist Screening Database, to determine whether or not they pose a national security or public safety threat. After initial identity verification and record checks, CBP Agents and Officers determine the appropriate processing pathway from the available options, which are determined based on an individual's nationality, age, family status, and results of security screening and vetting. This process, including final processing for each pathway, takes, on average, one to two hours per individual.

Adults and families commonly spend 48 to 72 hours in CBP custody awaiting processing and then transfer or release. During this time, individuals are provided food, water, medical care, clothing, and other necessities to ensure their safety. Upon completion of CBP processing, certain noncitizens may be quickly removed and others may be transferred to ICE for continued detention. Unaccompanied children must be transferred to HHS. Noncitizens not transferred to other government agencies are processed for release during the pendency of their removal proceedings. This often includes enrollment in an ICE Alternatives to Detention (ATD) program and coordination with NGOs to assist with planning for travel away from the border and the provision of other basic services. Noncitizens placed into proceedings will have an opportunity to present their case before an Asylum Officer or Immigration Judge who will review their claims and either order their removal or grant them asylum or other relief in accordance with law.

**Our broken immigration system was not built to manage the migration levels and types we are currently experiencing and is already under strain. However, we have been able to effectively manage these encounters because of prudent planning and execution, the talent and unwavering dedication of the DHS workforce, and our state, local, and community partners.**

Congress designed the U.S. border management system over 25 years ago. At the time, the migrant population largely consisted of single adult males who were seeking employment opportunities. As described above, the populations DHS now encounters at the border are substantially different, including many families and unaccompanied children who are seeking humanitarian relief. The current system is outdated, was further dismantled by the last Administration, and was not built to contend with these demands. Further, social media and other online platforms have increased smugglers' access to potential migrants, creating an environment ripe for manipulation of information with respect to migration policies at the border.

As noted above, we are already managing a high volume of migrant encounters (on average 7,800 over the past three weeks), which is significantly higher than our system was built to manage and process effectively. While CBP, ICE, and our community partners are all strained under current operations, we are processing individuals in a safe, humane, and orderly manner as

a result of improvements we have made over the past year and thanks to the collaboration of outside partners. DHS efforts include capacity building, strengthened logistics and processing (including the deployment of soft-sided facilities and virtual processing), and decompression tactics to ensure U.S. Border Patrol sectors can most efficiently support one another.

### **BORDER SECURITY PLAN**

Building on lessons learned and in preparation for the termination of CDC's Title 42 public health Order, DHS commenced planning exercises in Fall 2021. In February 2022, DHS formally launched the Southwest Border Coordination Center (SBCC), which is coordinating a whole-of-government response to the anticipated increase in border encounters. I designated a Senior Coordinating Official (SCO) to oversee the SBCC, who reports directly to me.

The SBCC has centralized coordination among key government agencies within a single structure to ensure effective, holistic planning and execution. It is staffed by dozens of experienced professionals from across DHS and contains subject matter expert representatives from throughout the federal government. In addition to the full complement of DHS agencies and offices, several federal agencies are supporting the whole-of-government response, including:

- DOS is continuing intensive diplomacy throughout the region designed to limit irregular migration to the Southwest Border;
- DOD will provide, as needed, rapid contracting support for air and ground transportation, as well as land for the establishment of temporary facilities for migrant processing and lodging for housing federal employees near the Southwest Border;
- The Department of Justice (DOJ) is providing transportation support and law enforcement personnel from the Bureau of Prisons and U.S. Marshals Service, and prosecuting smugglers, repeat offenders, and others whose conduct warrants such a response;
- HHS continues to accept the transfer of unaccompanied children from CBP custody, as well as adjudicate requests for medical support via the ESF-8 council, which governs the allocation of Federal medical responses; and,
- The Office of the Director of National Intelligence (ODNI) is providing intelligence coordination and support to strengthen the capability for early warning of migrant surges at the Southwest Border.

**Building on work to date and informed by input from our partners, we developed and are currently executing the DHS Border Security plan, described below. Our objective continues to be the safe, orderly, and humane processing of noncitizens consistent with our laws to ensure national security and public safety.**

The plan has six pillars: surge resources; increase efficiency to reduce strain on the border; employ an aggressive consequence regime; bolster the capacity of NGOs and partner with state and local partners; go after cartels and smugglers; and work with our regional partners. This comprehensive plan leverages a whole-of-government approach to prepare for and manage the current and anticipated increases in encounters of noncitizens at our Southwest Border.

Across each of the lines of effort, DHS has undertaken a deliberate and methodical approach to readiness prior to and for May 23. Following months of planning based on multiple potential scenarios, we are pre-positioning and expanding available resources. We are also conducting extensive testing of processes that have not been used at scale since the implementation of Title 42 and new approaches like an en route processing capability, which will be explained below. Finally, our preparations culminate with us scaling to meet migration levels as they increase over time by accessing additional resources through interagency agreements and contracts.

**Border Security Pillar 1: We are surging resources, including personnel, transportation, medical support, and facilities to support border operations.**

**Increased Personnel**

Over the past several months, we have deployed additional personnel in support of several key functions. First and foremost, we are working to maximize the number of CBP Agents and Officers in the field. As of April 25, CBP has over 23,000 Agents and Officers working along the Southwest Border, over 600 of whom have deployed since February 1 in response to increasing operational demands. The SBCC will continue to augment CBP's operations by bringing in law enforcement agents and officers from other parts of the country as needed.

Additionally, there are currently over 300 civilian Border Patrol Processing Coordinators who work in Border Patrol stations to complete processing duties; the volume of processing has required some Border Patrol Agents to be assigned to processing. Over the next few months, we are on track to deploy over 500 additional full-time and contract processors, which relieves Border Patrol Agents to return to the field and continue their tireless work to secure the border. President Biden's FY 2023 Budget request to Congress proposes hiring an additional 300 Border Patrol Agents and an additional 300 Border Patrol Processing Coordinators. If enacted, this would be the first increase in the number of Border Patrol Agents since 2011.

The SBCC is augmenting CBP's operations by bringing in law enforcement officers and agents from other parts of the country. We are also hiring, contracting for, and soliciting volunteers for administrative processing support to enable law enforcement officers and agents to focus on front-line work.

**Increased Transportation Capacity**

CBP utilizes air and ground transportation to prevent Border Patrol facilities from becoming overcrowded. This long-standing process enables increased efficiency, while better protecting the health and safety of our workforce and noncitizens. Building on this approach, the SBCC is expanding the capacity for lateral movements of noncitizens within and between Border Patrol sectors to help relieve overcrowded sectors quickly. For example, CBP will complete a blanket purchase agreement to contract for 394 additional bus movements per day by April 29. CBP can currently move about 4,900 people per day and this additional capacity will enable the movement of an additional 4,100 people per day, almost double, with the potential for further expansion. The SBCC has secured eight U.S. Bureau of Prisons buses with supporting personnel to replace buses and drivers currently staffed by Border Patrol Agents. Those Border Patrol Agents currently staffing buses will then be able to return to the field and perform their critical

law enforcement and border security missions. The SBCC is also finalizing an interagency agreement with ICE for contracted ground transportation resources for an additional 40 bus movements per day and air movements for family units.

**Additional Medical Support**

It is among DHS's top priorities to ensure the health, safety, and well-being of those in DHS care and custody, the DHS workforce, and surrounding communities. To this end, we have invested in ensuring that we have appropriate and accessible medical care, including for those with unique vulnerabilities, medical conditions, and for tender-aged children. The SBCC is working to make medical resources available by the end of April to provide urgent clinical care for a planning scenario of 18,000 noncitizens in CBP custody at any given time. The SBCC has developed a medical support plan, which has been reviewed by interagency medical experts, and is currently determining which federal agencies can provide support through an interagency agreement signed with DOD, HHS, USCG, and FEMA.

Beginning in 2021, DHS rapidly scaled its COVID-19 vaccine program to noncitizens in ICE custody. The provision of vaccines, coupled with the testing of noncitizens on intake and rigorous isolation and quarantine protocols, has led to markedly low morbidity and mortality in ICE facilities. Separately, on March 28, 2022, DHS expanded its COVID-19 vaccine program to include noncitizens in CBP custody with a goal to expand to 24 sites by May 23. All Title 8, age-eligible, non-citizens are eligible for the CBP COVID-19 vaccine program and receive their first dose prior to onward travel. Additionally, at the highest-volume CBP sectors, unaccompanied children are tested on intake for COVID-19 and, if positive, are triaged for immediate movement to HHS facilities. These mitigation measures at CBP and ICE have kept COVID-19 rates among noncitizens at or lower than surrounding communities during most of 2021 and 2022.

**Increased CBP's Border Holding Capacity**

We have worked to increase CBP's holding capacity, currently at over 17,000 compared to less than 13,000 in January 2021. This includes three soft-sided facility expansions totaling approximately 1,300 in holding capacity initiated in the past two months and one that will be completed in mid-May. There are additional facility expansions still in the planning phase. By April 27, CBP will also complete its assessment of DOD sites for potential additional temporary facilities.

**Border Security Pillar 2: We are increasing CBP processing efficiency and moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations and alleviate the burden on the surrounding border communities.**

As noted above, CBP's goal at Border Patrol stations is to hold noncitizens in a safe, orderly, and humane environment; ensure appropriate security screening; and to quickly process and transfer screened noncitizens out of CBP custody to ensure that facilities do not become overcrowded, while facilitating the lawful trade and travel that is critical to our economy. CBP, which initially encounters and apprehends migrants, does not have sufficient capacity or resources in its short-term facilities to hold individuals for over 72 hours. In the case of unaccompanied children, CBP

must, by law, transfer these children to the custody of the HHS Office of Refugee Resettlement (ORR) within 72 hours of encounter.

CBP will continue to achieve these goals by employing several strategies, such as transferring noncitizens from stations that are over capacity to those that have capacity and transferring them to ICE ERO for Expedited Removal and detention, where appropriate. The SBCC is also launching the following three new initiatives to support decompression efforts, which ensure the continued integrity of our security screening processes: enhanced central processing center, en route processing, and streamlined processing. Further, CBP is working to increase processing efficiency at POEs to allow noncitizens to present for inspection in a safe and orderly manner.

#### Enhanced Central Processing Centers (ECPC)

Processing a noncitizen upon apprehension and entering them into immigration removal proceedings involves multiple steps, multiple electronic systems, and, often, multiple federal agencies. Specific issues include the referral process from CBP to ICE, coordination between CBP and ICE on custody and transportation of noncitizens, and coordination between CBP and HHS on the transfer of unaccompanied children. To address these challenges, the SBCC is testing and rapidly developing a model that will co-locate CBP, ICE, NGOs, and possibly other entities at ECPCs to eliminate any inefficiencies and more rapidly process noncitizens. This innovative model will allow CBP to quickly triage noncitizens it encounters based on risk, ensuring that higher risk individuals are held in secure, hardened facilities until they are placed in detention, while lower risk individuals are processed quickly and humanely at facilities that do not require as significant a law enforcement presence.

This will allow the Border Patrol to focus more of its agents on its priority mission to secure our border rather than processing and administrative duties. ICE personnel will be on-site in order to minimize delays associated with referrals, and NGOs will be present as well to provide legal orientation services and onward transportation for those low-risk individuals who are ultimately released on ATD. The first ECPC will be operational in Laredo, Texas effective April 29. Informed by this experience, the SBCC will complete a plan for the development of additional enhanced central processing centers beyond Laredo.

#### En Route Processing

As noted above, processing of noncitizens at CBP facilities can be time intensive. When noncitizens are transported to alleviate overcrowding, the time in transit is an opportunity to process those being transported. By testing and refining operational plans to complete processing of noncitizens while in transit, the SBCC can move noncitizens out of CBP facilities faster, while retaining the integrity of biometric and biographic screening processes and ensuring noncitizens apprehended at the border are placed expeditiously into removal proceedings.

As part of DHS's strategic use of existing Title 8 processing pathways, this processing would be reserved for family units, especially from countries that do not accept repatriations quickly or at all. The SBCC is actively engaging with cities that are located within a six-hour drive of the border and will employ en route processing to relieve pressure on Border Patrol facilities and border communities. The SBCC is working closely with local governments, including law

enforcement, in these cities to ensure that local governments and receiving NGOs have the support and resources they need, as described further below.

The SBCC is testing en route processing and is continuing to develop options to expand its capacity further. In particular:

- *Del Rio to Laredo*: The SBCC has developed a concept of operations for en route processing from Del Rio to Laredo that has already been successfully tested.
- *Bus Technology*: Border Patrol is outfitting buses with necessary technology to support processing requirements while in transit.

#### Streamlining Processing Methods

Processing a single noncitizen for a Notice to Appear (NTA) can take two to three hours, including the time to complete the processing documents and subsequent review between CBP and ICE to ensure accuracy. An NTA is a charging document, issued by ICE or CBP, which initiates removal proceedings against a noncitizen, and specifies the date and time for the noncitizen to appear in immigration court. Last year, DHS launched the Southwest Border Technology Integration Program to digitize and automate noncitizen processing. Today, over 70 percent of Title 8 cases are reviewed and signed digitally by CBP. We project this has saved over 20,000 hours of processing time already.

The SBCC is identifying and implementing further technological and administrative improvements to reduce overall processing time of noncitizens, while also maintaining security. For example, the SBCC is focused on expanding digital processing towards a fully digital "A-File," which is shared across CBP, ICE, U.S. Citizenship and Immigration Services (USCIS), and DOJ throughout the immigration lifecycle. Digital A-Files for voluntary returns and digital review and signatures for other disposition types will be implemented by May 23. DHS will continue to focus on digitizing all other elements of the A-File to maximize efficiency. In addition, the SBCC is eliminating administrative redundancy by identifying and removing certain forms in the document exchange between CBP and ICE.

#### Port of Entry Processing

The imposition of the Title 42 public health Order severely restricted the ability of undocumented noncitizens to present at POEs for inspection and processing under Title 8. The closure of this immigration pathway for much of the time Title 42 has been in effect has driven people between POEs at the hands of the cartels. Returning to robust POE processing is an essential part of DHS border security efforts. Beginning in the summer of 2021, DHS restarted processing vulnerable individuals through POEs under Title 8, on a case-by-case basis for humanitarian reasons, pursuant to the exception criteria laid out in CDC's Title 42 Order. These efforts, which we have recently expanded, offer individuals in vulnerable situations a safe and orderly method to submit their information in advance and present at POEs for inspection and subsequent immigration processing under Title 8. We also have enhanced Title 8 POE processing through the development of the CBP One mobile application, which powers advanced information submission and appointment scheduling prior to an individual presenting at a POE. We will make this tool publicly available and continue to expand its use to facilitate orderly immigration processing at POEs.

**Border Security Pillar 3: We are administering consequences for unlawful entry, including removal, detention, and prosecution.**

Attempting to enter the United States without authorization carries potential long-term consequences, including removal from the United States, bars on subsequent admission, and criminal liability. By expeditiously removing individuals who do not have a lawful basis to stay in our country, the United States is making clear that while we are a nation of immigrants, we are also a nation of laws. We will continue fully enforcing those laws, employing a combination of Expedited Removal and removal proceedings before an immigration judge, detaining single adults where appropriate, and referring for prosecution border-related criminal activity.

**Expedited Removal**

DHS is preparing to maximize the use of Expedited Removal for populations where removal is possible or likely, consistent with the law, and is working to streamline Expedited Removal processes across relevant federal agencies, with an eye towards quickly removing those who receive a negative credible fear finding while in ICE custody. DHS is increasing the availability of interview facilities and USCIS officers to conduct credible fear interviews, creating an electronic process to refer appeals of negative fear findings to the DOJ Executive Office for Immigration Review (EOIR), and working with partner countries throughout the hemisphere to significantly improve our ability to quickly remove and repatriate individuals with final orders of removal.

Increased use of Expedited Removal serves key law enforcement and operational goals. It is a fair and effective means of efficiently removing those with no lawful basis to remain in the United States. Those subject to Expedited Removal also face a five-year bar on admission from the date of removal and potential criminal prosecution if they seek to unlawfully re-enter, thus serving to deter would-be border crossers.

Single adults placed in Expedited Removal are generally detained throughout the process, making the capacity to detain critical to its effectiveness and to increasing its use. DHS utilizes a network of detention facilities across the country to detain noncitizens who are subject to Expedited Removal, who pose a threat to public safety or national security, to ensure presence at immigration proceedings, and to effectuate removals. As COVID-19 physical distancing restrictions are revised, DHS will regain additional bed space within its existing facility footprint.

**Asylum Office Rule**

Individuals in Expedited Removal who establish a credible fear of persecution or torture are currently referred to an immigration court for full consideration of their applications for asylum and related protection. Under the new Asylum Office rule, effective May 31, DHS can instead refer these cases to USCIS for significantly more expeditious adjudication. The new rule will allow DHS and DOJ to conclude certain asylum cases in months instead of years, meaning that those deemed ineligible for asylum can be removed more quickly. While full implementation will take time, this will have a transformative impact on the asylum system.

**Timely Immigration Court Proceedings**

For families not processed through Expedited Removal and who are instead placed in removal proceedings, DOJ and DHS have jointly established a new, more efficient process known as the Dedicated Docket to conduct speedier immigration court proceedings that comport with due process. DHS is utilizing the Dedicated Docket for certain family unit members who arrive between POEs at the Southwest Border and are traveling to one of 11 destination cities. Families placed on the Dedicated Docket are prioritized for adjudication and are generally expected to receive final decisions in their cases within 300 days of initiation, as opposed to several years. The Dedicated Docket includes a Family Group Legal Orientation Program in which nonprofit organizations explain the immigration court process and provide referrals to pro bono legal services to support families placed on this Docket.

In addition to the Dedicated Docket, DOJ will continue to operate its long-standing detained docket for individuals in ICE custody, moving cases through the immigration court system in a matter of months, rather than years.

**Prosecuting Border-Related Criminal Activity**

DHS will continue to refer border-related criminal activity to DOJ for prosecution where warranted, including that of smugglers, repeat offenders, and other noncitizens whose conduct warrants such law enforcement action. We also continue to enforce CBP's Repeat Offender initiative to target recidivism. This enforcement regime has improved DHS's ability to leverage legal consequences to deter irregular migration while conserving limited processing resources.

**Border Security Pillar 4: We are bolstering the capacity of NGOs to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration removal proceedings. And, we are ensuring appropriate coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities.**

Increased migration levels put additional pressure not only on DHS personnel and resources, but also on border communities and NGO partners who play a critical role in helping noncitizens who are released from DHS custody for the pendency of their removal proceedings. Noncitizens who are not subject to ICE detention are screened by CBP as described above, entered into immigration removal proceedings, and permitted to travel to onward destinations, where they are subject to ongoing supervision. Once a noncitizen is released from custody by DHS, the Department is no longer operationally engaged in their transportation, medical care, or shelter. Nonetheless, our goal is to help communities alleviate the pressures they experience by expanding NGO capacity, through communication and coordination, and grants through the Emergency Food and Shelter Program (EFSP). We are also exploring other ways to provide assistance to communities and welcome the ongoing dialogue we have with local leaders to that end.

**Bolstering NGO Capacity**

NGOs play a critical role in providing care and support with onward travel to noncitizens who are entered into immigration removal proceedings, not subject to detention, and released from

CBP custody. The SBCC has assessed and is tracking NGO capacity and sharing information to ensure there is a common operating picture across all relevant parties, to include gaps that can be remediated with external assistance.

The EFSP, administered by DHS through FEMA, supplements and expands ongoing work of local NGOs to meet the urgent needs of local agencies assisting the unique and vulnerable migration population encountered by DHS. In FY 2022, Congress authorized \$150 million for EFSP Southwest Border support, and this month, FEMA has taken necessary steps to ensure these funds can be accessed by eligible partners in short order. We are working to ensure the eligibility criteria for EFSP can cover the broadest set of possible needs and will provide more information for entities that are not familiar with EFSP by the end of April.

For the subset of non-citizens who may be released from custody directly into a community (i.e., those who cannot be released in coordination with an NGO due to capacity constraints or other issues), DHS is defining required criteria for CBP leadership to reference when determining whether and how to release individuals. This is particularly important given the potential for increases in this population going forward. The criteria will include safety checks, notification to local officials, information on local resources and legal services, and required documentation. The SBCC will complete an operational checklist, informed by feedback from our local stakeholders including law enforcement partners, also by the end of April.

Additionally, by the beginning of May, the SBCC will complete an updated information package to distribute to all noncitizens released from federal custody. The update was designed to ensure individuals more clearly understand their obligations and requirements for compliance with the enforcement and removal process.

#### **Communication with State, Local, and Community Leaders**

To ensure close operational coordination and support ongoing local planning efforts, the SBCC and CBP leaders continue to engage extensively with state and local governments, including law enforcement entities, public health authorities, and NGOs, including in California, Arizona, New Mexico, and Texas, as well as other locations as needed. This regular coordination includes a focus on noncitizen transport and capacity planning, resolving logistical challenges, and addressing community concerns through shared solutions. These and other coordination sessions will increase as operations necessitate.

#### **Border Security Pillar 5: We are targeting and disrupting the transnational criminal organizations (TCOs) and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic drugs into our country.**

DHS works at home and abroad to identify, investigate, and interdict the TCOs that smuggle people and drugs into our country. Human smuggling organizations peddle misinformation that the border is open, in order to profit from the vulnerability of migrants. DHS is targeting these organizations, in close collaboration with other federal agencies, state and local law enforcement, and international partners. While this has been a consistent priority, our efforts have intensified in recent months.

#### Migration Intelligence

Building on the Intelligence Community's existing work to monitor migration activity in the Western Hemisphere, in April, ODNI stood up a Migration Intelligence Cell with the goal of providing advanced geographic and time-based warning of large human smuggling movements in the region and analysis and targeting information for disruption activities. The Migration Intelligence Cell has highlighted to the entire Intelligence Community the priority of human smuggling to prompt additional focus. This intelligence will be used for disruption activities as well as border security and management actions.

#### Disrupting Smuggling Networks

Building on existing efforts, in April 2022 DHS surged disruption efforts in partnership with other federal agencies along six coordinated and interconnected lines of effort. These include:

- Operation Expanded Impact led by Homeland Security Investigations (HSI), a division of ICE. HSI is focusing its investigative efforts along the Southwest Border to launch additional criminal investigations of the organizations taking advantage of vulnerable individuals, working to detect, disrupt, and dismantle TCOs involved in narcotics, human smuggling, and human trafficking. HSI has assigned approximately 250 special agents and criminal analysts to carry out investigations in the United States;
- Operation Sentinel, which is an interagency counter-network operation targeting TCOs affiliated with the smuggling of migrants;
- Joint Task Force Alpha, a DOJ-led effort to target smuggling and trafficking groups;
- Blue Indigo, led by DOJ and DHS to disrupt cartel operations and illicit networks in South Texas;
- Financial disruption conducted by the Treasury Department; and,
- The ODNI cell referenced above.

This is the largest surge of resources and disruptive activities against human smuggling networks in recent memory. So far this month, these lines of effort produced over 2,500 arrests, investigations, and disruptions of smuggling infrastructure, such as buses and safe houses, among other actions, and have slowed, stopped, or reversed the flows of thousands of migrants. This activity represents a dramatic increase in human smuggling network-related disruption events in FY 2022 compared to the same time and in the same region in FY 2021.

Partnerships with Mexican and Central American counterparts have resulted in multiple significant enforcement actions against human smuggling and trafficking groups operating in Mexico, Guatemala, El Salvador, and Honduras. In Guatemala, efforts have focused on the indictments and extraditions of Guatemalan human smugglers to face prosecution. In Honduras, DHS has provided robust support to Operation Scorpion, a border surge initiative of the Honduran National Police that targets human smugglers and traffickers.

#### Drug Seizures and Enforcement

DHS has increased efforts to stem the flow of illegal drugs into the United States. In FY 2021, HSI Special Agents conducted 12,920 criminal arrests and seized over 2.4 million pounds of narcotics, which included 14,530 pounds of fentanyl. This compares to FY 2020 seizures of more than 1.4 million pounds. In addition, HSI Special Agents seized more than \$188 million in

total currency and assets. In FY 2021, CBP seized 900,000 pounds of narcotics, a significant increase over the previous year.

DHS employs a multi-layered approach to countering narcotics trafficking, in close partnership with other federal and partner government agencies. CBP's National Targeting Center uses advanced analytics and targeting capabilities to identify critical logistics, financial, and communication nodes and exploit areas of weakness in opioid trafficking networks. ICE HSI Special Agents exchange information, coordinate investigations, and facilitate enforcement actions with law enforcement partners abroad to deter the ability of TCOs to smuggle drugs, people, and contraband into and out of the United States.

**Border Security Pillar 6: We are deterring irregular migration south of our border, in partnership with the Department of State, other federal agencies, and nations throughout the Western Hemisphere, to ensure that we are sharing the responsibility throughout the region.**

Deterring migrants who will not meet the criteria for asylum is an important tool to alleviate pressure at the border. As described earlier, that is a challenge. Across the world, more people are displaced from their homes than at any time since World War II. While the United States is a destination country for those fleeing their homes, we do not experience the phenomenon alone. Colombia, Costa Rica, Ecuador, and many other countries in the region are experiencing increases in migration, especially of Venezuelans, but of other nationalities as well. In light of the increased levels we are experiencing, DHS, working with DOS and other partners, has intensified our work to manage and deter irregular migration throughout the region.

**New Bilateral Arrangements on Migration and Protection**

On March 15, I traveled to Costa Rica and joined President Alvarado in announcing a bilateral Migration Arrangement, which outlines our shared commitment to both manage migrant flows and promote economic growth in the region. On April 19, the U.S. government signed a Bilateral Arrangement on Migration and Protection with the Government of Panama, similarly detailing our collaborative commitments to improve migration management, expand stabilization efforts, and increase access to legal pathways and protection for those in the region. DHS and DOS are actively engaged with other countries in the region to advance similar bilateral arrangements, as well as a Hemispheric Declaration on Migration and Protection to be completed at the upcoming Summit of the Americas in June 2022.

**Partnership with the Government of Mexico**

The Biden-Harris Administration continues to maintain a close partnership with the Government of Mexico to stem irregular migration, which includes creating viable legal pathways, facilitating lawful trade and travel, and combating the shared dangers of transnational organized crime. Last month, I made my fourth official visit to Mexico City where I met with President López Obrador to intensify our shared commitment to promoting lawful trade and travel and developing a regional approach to migration management.

#### In-Region Messaging

DHS coordinates closely with DOS to track trends, share research, and coordinate messaging to counter disinformation that smugglers use to victimize vulnerable migrants. Our approach has included paid advertising on radio and digital platforms and press conferences and media interviews in source and transit countries. These messages counter disinformation propagated by human smugglers and warn migrants of the dangers of being exploited and facing death at the hands of unscrupulous criminal organizations.

#### **CONCLUSION**

**Despite the efforts of our dedicated DHS workforce and our partners executing this comprehensive plan, a significant increase in migrant encounters will substantially strain our system even further. We will address this challenge, but it will take time, and we need partnership and support to do so successfully. We are also operating within a fundamentally broken immigration system that only Congress can fix.**

As described above, DHS and its federal and community partners have been taking steps for months to prepare for the lifting of Title 42, while operating within a system that is not designed to handle the current volume of migrants nor the increased volume we expect over the coming months. The preparations and deliberate planning detailed in this memorandum will enable us to manage and mitigate known and unanticipated challenges more effectively, while protecting the safety and security of our communities. But notwithstanding the efforts described in this paper, a significant increase will substantially strain our system even further.

We are especially mindful of the following challenges and potential developments at higher levels of encounters:

- For several months, CBP, ICE, NGOs, and other critical partners have been managing levels beyond the capacity for which their infrastructure was designed and resourced, meaning additional increases will create further pressure and potential overcrowding in specific locations along the border.
- With NGOs strained, there is a potential for a higher number of single adults and families to be released into communities without NGO or other sponsor support. The federal government has few tools or authorities to support the related impacts on local communities, though we are actively working to develop more.
- Depending on levels, land ports of entry could experience processing delays and disruptions at specific points in time.
- Communication and coordination across state, local, and community leaders requires good faith engagement of all parties, to help ensure we can effectively manage these developments together.

We welcome partners' support in mitigating these risks and challenges. We appreciate Congress' support in FY 2022, appropriating \$1.4 billion for DHS to manage an increase in Southwest Border encounters. DHS is currently managing these resources responsibly and has submitted the required spend plan to Congress. DHS expenditures for the \$1.4 billion appropriated in FY 2022 include but are not limited to: soft-sided facilities; medical contracts;

transportation; and support for NGOs through the EFSP. DHS will also need to utilize its limited transfer and reprogramming authority once the \$1.4 billion is exhausted. Should additional resources be necessary to manage a sustained increase in encounters, DHS will engage Congress on any potential need for supplemental appropriations.

Over the past 15 months, the Department of Homeland Security has demonstrated time and time again our ability to tackle significant challenges, while operating consistent with our laws and our values. From responding to unprecedented levels of migration and ensuring the safety of individuals in our care to vetting and processing tens of thousands of evacuees from Afghanistan and Ukraine, we have consistently risen to the challenge in extremely difficult circumstances. We will continue to work tirelessly on behalf of the American people, but there is broad agreement that our immigration system is fundamentally broken. As it has since its first day in office, the Biden-Harris Administration continues to call on Congress to pass legislation that holistically addresses the root causes of migration, strengthens border security, fixes our immigration system, and improves legal pathways.

Mr. KATKO. Thank you, sir.

Secretary Mayorkas, do you believe front-line agents and officers who consistently say that they are poised to lose operational control of some or all America's Southern Border once Title 42 is lifted?

Secretary MAYORKAS. Ranking Member Katko, it is our responsibility to maintain operational control of the border. That is what our personnel are dedicated to doing. That is what the personnel throughout the Department and I as the Secretary are dedicated to doing, and we will not lose operational control of the border.

Mr. KATKO. So I just want—one second please.

Secretary MAYORKAS. I should also——

Mr. KATKO. I wanted to preface what I was saying earlier, and should have done it, I apologize for that. We have a limited amount of time and I have directed all of my committee Members on my side of the aisle to ask pointed questions that generally require yes or no answers. Respectfully, if you don't answer the question directly, we will interrupt you. I just want to warn you of that.

So the question is simply, so your answer is you don't believe we are going to lose operational control of the border? Yes or no.

Secretary MAYORKAS. We will not lose operational control of the border. But, Congressman, you have to allow me to answer fully the question because—

Mr. KATKO. No, I understand what you said. You—

Secretary MAYORKAS. Because you—

Mr. KATKO [continuing]. Will have your opportunities, sir. But if you don't believe we are going to lose operational control of the border, what information do you have in your possession that your front-line agents don't have? Because there is not a single person on the border today that will tell you that once Title 42 is lifted they won't lose operational control of part of the border. So what information do you have that they don't have?

Secretary MAYORKAS. The premise of your question and the— which you have identified as estimates of what will encounter at the border are not estimates of what we will encounter. It is our responsibility—

Mr. KATKO. That was a Homeland Security document that I had that from.

So what just—

Secretary MAYORKAS. Congressman—

Mr. KATKO. Again, the question is, sir, is very simple. What information do you have in your possession that your front-line agents who risk their lives every day and who give their lives every day don't have that will tell you that you won't lose operational control of some of the border at least when Title 42 is lifted?

Secretary MAYORKAS. We have a plan. We have a plan that we have developed and that we have been preparing to execute—

Mr. KATKO. Your six-pillar plan?

Secretary MAYORKAS [continuing]. And have been implementing since September of this past year.

Mr. KATKO. I guess referring to your six-pillar plan?

Secretary MAYORKAS. Yes.

Mr. KATKO. But has that been implemented or is that a proposal?

Secretary MAYORKAS. That is under way in its execution. We began—

Mr. KATKO. Let me ask you a question.

Secretary MAYORKAS [continuing]. Planning in September 2021.

Mr. KATKO. Let me ask you a question. That pillar, the six pillars, the surge started on January 20 when President Biden took office. Why didn't you implement the six pillars then? Why did you wait for 14 or 16 months to implement these things?

Secretary MAYORKAS. Many of these lines of effort have been under way since this administration began. The issue—

Mr. KATKO. I thought you just said that they are under way of being implemented now?

Secretary MAYORKAS. The challenge, Congressman, of migration is not a challenge that the United States faces alone. What we are experiencing is a migration challenge throughout the region, throughout the Western Hemisphere and, in fact, throughout the world. That is why one of the pillars of the plan is to work with countries south of our border so that they manage their borders effectively.

Mr. KATKO. Right. OK, thank you.

Secretary MAYORKAS. Both in—

Mr. KATKO. I understand. But the bottom line is the six pillars came out yesterday. And—

Secretary MAYORKAS. Oh, that is incorrect.

Mr. KATKO. It was issued April 26, 2022 memorandum. I ask that you incorporate that into the record, Mr. Chairman.

Chairman THOMPSON. Without objection, so ordered.\*

Mr. KATKO. The bottom line is the six pillars is something you put out yesterday to cover the fact that you guys are getting—you guys have lost operational control of many parts of the border already, more is to come. I think I would be straight with our folks going forward.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentlelady from Texas for 5 minutes, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Chairman THOMPSON. The gentlelady is recognized.

Ms. JACKSON LEE. Thank you.

Let me welcome you, Mr. Secretary. Let me first of all hold up the document dated April 26, 2022. I thank the administration for recognizing the responsibilities we have at the border with increased personnel—certainly our staffing at the border needs that kind of help—increasing the processing efficiency, particularly interrupting the corrupt efforts of human smugglers, not creating the havoc of separating unaccompanied children or children from their families or taking unaccompanied children so that almost 4,000 under Trump administration that were separated, many of whom never got reunited does not occur.

I think it is also important to put on the record very quickly that the order 42 from the CDC is not under the jurisdiction of Homeland Security. When I ask you a question you might just simply say yes or no whether it is.

But let me move forward so that—it is important to look at the funding. Let me quickly move forward on the question of the cyber.

Grants were given at \$1 billion for FEMA and CISA to partner with States to implement this grant program about shoring up their cybersecurity. Can you tell me whether this effort is going to help avoid the vicious intrusion that we have seen from Russia?

Secretary MAYORKAS. Congresswoman, thank you for your question.

The grant funds that CISA, the Cybersecurity and Infrastructure Security Agency, as been given to distribute in collaboration with FEMA is a vital resource to equip others to strengthen their cybersecurity. In cybersecurity we say that we are only as strong as our

\*The document was previously submitted for the record by Ranking Member Katko.

weakest link. So these grants dollars can be disseminated to really make sure that our weakest link is strengthened and the overall cybersecurity ecosystem is strengthened as a result.

Ms. JACKSON LEE. Thank you so very much.

Secretary MAYORKAS. To provide—

Ms. JACKSON LEE. Thank you.

Secretary MAYORKAS [continuing]. The vital tools.

Ms. JACKSON LEE. Let me—one of the grant sources that our urban areas, small and large, are committed to is the Urban Area Security Initiative. I notice a decrease. Could you explain why there is a decrease on \$22.5 million? Because of the desperate need that communities need to have this kind of Homeland Security grant mitigating threats.

Secretary MAYORKAS. What we are doing—yes, the Urban Area Security Initiative grants, the UASI grants as they are know, we have been well-funded in that program and we are very grateful for the funding that we have received. We are working with FEMA to make sure that those funds are effectively distributed and we are giving greater latitude to law enforcement organizations throughout the country to identify the threats that they confront in their respective jurisdictions while nevertheless providing them guidance with respect to the National security priority areas that we see, given our vantage point, to understand and appreciate the threats that the Nation faces as a whole. It has been an instrumental grant program for us.

Ms. JACKSON LEE. Thank you very much.

I have the last two questions. If you can take note of them, because I will not be able to come back as my time is running out.

First of all, I join Chairman Thompson in my strong support for funding for nonprofits, churches, and other under the threat of domestic terrorism and particularly HBCUs, which I represent Texas Southern University and in the neighborhood's purview A&M. That is absolutely imperative. I will just make that as a statement.

I would like to discuss with you further about that as relates to the bomb threats.

But I also want to raise a matter of the TSA hope that the administration can really strongly support the Chairman's legislation about professionalizing TSA. But a matter of concern has come to my attention regarding TSA airport screening and transgender persons. Air travel is an essential means of long-distance travel and so I want to know about any training dealing with screening issues for persons who are transgender and how has the agency conducted the outreach to the transgender community. It is a practice of TSA to enter gender selection prior to passenger's entrance screening.

If you could answer that I would appreciate it.

I thank you, Mr. Chairman.

I will look forward to talking to you about the hurricane season that is coming in our region.

Mr. Secretary.

Secretary MAYORKAS. Congresswoman, we have developed advanced technology to improve and strengthen our screening at the airports through TSA. That does not require identification of one's gender. So that is sensitive to gender issues.

Its focus was on innovating and strengthening our security screening and doing so with sensitivities that you have identified.

Ms. JACKSON LEE. Thank you. Thank you for your service.

I yield back, Mr. Chairman.

Chairman THOMPSON. The gentlelady's time is expired.

The Chair recognizes the gentleman from Texas, Mr. McCaul, for 5 minutes.

Mr. MCCAUL. Thank you, Mr. Chairman.

Mr. Secretary, you and I have known each other for a while and I must say this is painful for me.

I have been dealing with the border since 9/11, as have you. You were a U.S. attorney in a border State, as was I. I have dealt with the border since 9/11 as a Federal prosecutor, but also as a Chairman of this very committee. I would have to say that I have never seen the border more broken. It is not under operational control. It is out of control. Don't take my word for it. When I looked at the findings of the Court, the cause is not climate change or some weird migration phenomenon. It is the fact that on Day 1 your administration rescinded the Migrant Protection Protocols and Remain in Mexico because you didn't like the former President. That is fine, but don't—don't rescind what was working. This program was working and the Courts said that. Their findings of fact were that the Migrant Protection Protocol Program was decreasing the volume of inadmissible aliens arriving in the United States on land from Mexico. Further, they said that termination of MPP has contributed to the current border surge. Most importantly, your own assistant secretary for border and immigration policy, David Shahloulian, said since MPP's termination the number of enforcement encounters on the Southwest Border has skyrocketed. This is your policy guy at DHS on border and immigration. He goes on to say based on current trends the Department expects that total encounters this fiscal year are likely to be the highest ever recorded. I agree with him. The highest ever recorded.

My State—we say every State is a border State, my State has to absorb this and we have to pay billions of dollars when it is a Federal responsibility. It is the biggest human trafficking event I have seen in my lifetime—2.5 million encounters. What are we going to do with all these people that have no legal status in this country? Not so much in the fentanyl that have come in that could kill the population 7 times over, not to mention the 23 apprehended that are on the terrorist watch list that you, sir, will not tell us who they are. I think the American people need to know who they are.

I have never seen the morale of the Border Patrol this low, as demonstrated by the fact that when you, sir—this is painful for me to say—when you visited down there, they turned their backs on you because they said you have turned your backs on them.

It is hard for me to say this, sir. I want to quote somebody that we both know. As you are looking at lifting Title 42, 18,000 per day, we are debating a \$10 billion Covid relief package, what kind of Covid relief package is this? To open up the border to anybody that could come in that could be infected? "This will overwhelm the communities at the border, it will overwhelm Border Patrol. The crisis will continue to get worse until we send the message that we

will enforce border security. This is the wrong time to lift Title 42 as the surge in the summer occurs.” Those are not my words, those are the words of your former boss, the Secretary of Homeland Security, Jeh Johnson, who I have tremendous respect for. He is right about this, that this is a crisis.

I hope—the Supreme Court held the arguments yesterday on Migrant Protection Protocol—I hope if they affirm the Fifth Circuit’s decision, that, sir, you will enforce the law as you’re duty-bound to do.

Jay Johnson went on to say if it was 1,000 apprehensions a day, that would be an OK number, but if it was above 1,000, that is a really bad number. I knew I was going to be in a bad mood the whole day. Furthermore, he says we need to send a strong message to the places where they are coming from, there is a right way and a wrong way to come into the United States. I agree. I agree with him.

To end, you know, if I could just say that your responsibility by law is to protect the United States, both air, land, and sea. You have failed in this mission when it comes to our land border. My State and our Texas guardsman that died saving two narco-traffickers, you are complicit, the administration is complicit with the last leg of human trafficking because you end that trip.

I will just close with this.

Chairman THOMPSON. The gentleman’s time—

Mr. MCCAUL. I must say, sir, with all due respect, I am disappointed.

Chairman THOMPSON. The gentleman’s time has expired.

The Chair recognizes the gentleman from New Jersey, Mr. Payne for 5 minutes.

Mr. PAYNE. Thank you, Mr. Chairman. Thank you for the opportunity to speak here today.

I would just like to start with I hope our BPP Border Patrol officers would understand and continue to do their duty and not engage in political activities. To turn their back on the Secretary is not helpful or fruitful at all. I would hope that even if—when they don’t agree with some of—that they understand their duty and continue to answer to the Secretary and their leadership.

Secretary Mayorkas, I will get right into it.

In recent months we have seen threats to houses of worship increase. I am particularly concerned about the on-going threats to houses of worship in the African American community. The Non-profit Security Grant Program, or NSGP, is a key tool in helping houses of worship protect themselves from threats. For this reason I was pleased to see the budget proposal request for \$360 million for NSGP.

Secretary Mayorkas, how is the Department working to promote the program to the African American community, including Black churches, who need these resources?

Secretary MAYORKAS. Congressman, thank you very much for your important word regarding that grant program.

We have engaged and embarked upon a very extensive communication effort to make sure that we reach otherwise disenfranchised institutions that very well might need those funds and otherwise could not access them.

As I referenced earlier, I was in Detroit, Michigan, I believe it was last month, and met with faith-based groups in the African American community to understand the difficulties that they were having in accessing the grant program, the security needs that they had, and underscoring the importance of the resources that our grant program distributes.

So really it is all about engagement, the sharing of information, and improving access to this critical grant program.

Mr. PAYNE. OK. Well, I am going to be helping the churches in my area, in my district access that grant. So working with you I would appreciate us partnering in helping us access those grants in my district and around the country. It is a group that has been left out of that process and we need to bring them into it.

So thank you.

Also how are you ensuring that FEMA can administer the program effectively and provide oversight to States as they play a key role in submitting the grant application to FEMA?

Secretary MAYORKAS. Congressman, we have a tremendous leader of FEMA in Deanne Criswell. The deputy administrator of FEMA, Erik Hooks, comes to the Department with tremendous experience in actually managing a grant program and representing a State that is a recipient of a grant program. We are engaging extensively, as I mentioned before, with all communities, including minority communities, to make sure that our distribution of grant funds meets the Homeland Security imperatives and honors our obligation of equality of access.

Mr. PAYNE. OK. Well, sir, I look forward to working with you.

With that, Mr. Chairman, I yield back.

Chairman THOMPSON. Then gentleman yields back.

The Chair recognizes the gentleman from Louisiana, Mr. Higgins, for 5 minutes.

Mr. HIGGINS. Thank you, Mr. Chairman. I appreciate the Secretary's appearance here today.

Mr. Secretary, what year were you born, sir?

Secretary MAYORKAS. 1959.

Mr. HIGGINS. 1959. I was born in 1961. We are from the same generation. Have you experienced failures in your life, sir? Significant enough that you as a man over your 6 decades of life you have accomplished can help you measure failure? You know what it is as a man? I certainly do. No shame there. I am asking you. It is an honest question.

Secretary MAYORKAS. Congressman, I am 62 years old. Anyone who has lived for 62 years has confronted all—

Mr. HIGGINS. Has experienced failure.

Secretary MAYORKAS [continuing]. Different types of challenges, successes, and failures.

Mr. HIGGINS. Yes, sir. There is no shame in that. It is part of our journey in life. You get knocked down and we do our best to stand back up. So I am going to try and help put this in perspective for you, sir. I have had harsh words for you over the last couple of years. You know that.

Secretary MAYORKAS. Oh, I have heard them, yes, Congressman.

Mr. HIGGINS. Yes, sir. I hope you feel my spirit right now. I am also a compassionate man. I feel that America needs you to own

this thing, good sir. Do you recognize the following statement? You wrote it, or someone for you wrote it. Under the Biden-Harris administration the Department of Homeland Security has been executing a comprehensive and deliberate strategy to secure our borders and build a safe, orderly, and humane immigration system. Since January 2021, DHS has effectively managed an unprecedented number of non-citizens seeking to enter the United States—effectively managed. You used that verbiage earlier today again. I suppose that is the tested and determined talking point.

So I ask you, good sir, tell America, you are a gentleman, 62 years of age, a gentleman of distinguished accomplishment, the Secretary of the Department of Homeland Security, like all of us you have experienced failure in the course of your life. You should have accomplished to help you recognize it. This disaster we have at our border, the disintegration of our National sovereignty cannot be sustained. Anyone that has two brain cells that could perhaps bump into each other would know that it is abject failure down there.

So if you would identify our border as effectively managed right now, how would you identify failure? What would it be? Five million crossings in a year. Had 2.5 million last year. A million gotaways? You had 500,000 last year. Crime rate tripled instead of doubled. No. 1 cause of death in 18- to 45-year-old Americans right now is overdose. Under your watch. What would it be, from 5 years old to 50? How would you identify failure if it is not what you have delivered thus far?

My god, man. Own the moment. You have been called upon to resign by myself and others.

Next year if we have the Majority in this committee, which we shall, you are still in office, you will face impeachment. I ask you as a man, own this thing. Out of respect for you and the office, I ask you to reflect upon that. I will give you my remaining 45 seconds to respond.

Please feel my spirit and speak truthfully. Step away from your talking points and speak to the American people and own this thing. We are losing our country down there. We need you to resign. Save the country the pain of your impeachment.

I have 20 seconds, sir. Please respond.

Secretary MAYORKAS. Congressman, I couldn't disagree with you more when you state that our Nation's sovereignty is disintegrating.

Mr. HIGGINS. I guess that answers that.

I yield, Mr. Chairman.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentleman from Rhode Island for 5 minutes, Mr. Langevin.

Mr. LANGEVIN. Very good. Thank you, Mr. Chairman.

Mr. Secretary. Welcome today. I have a vastly different view on your service and the performance you and your people are undertaking and doing over at DHS. I thank you for your leadership. You have a lot on your plate and probably the toughest issues to deal with outside of perhaps Secretary of Defense and Secretary of State. So I deeply appreciate everything you are doing to protect our National security.

Secretary Mayorkas, I want to focus on election security right now because your Department has significant responsibilities for election security, both in terms of managing the risk to election infrastructure and countering mis- and disinformation that can truly undermine Americans' confidence in the electoral process. I know that I have confidence in great leadership at CISA and Director Easterly and the work that she is doing as well, but I wanted to focus on the fact that Russia obviously has attempted to interfere with U.S. elections before. I certainly believe that we actually have to prepare now more than ever to redouble those efforts given what is going on in Ukraine. There could be retaliation for the punishing sanctions that the United States enacted for Russia's unprovoked invasion of Ukraine.

Mr. Secretary, can you tell us what the Department is doing to shore up election security from Russian cyber interference, give confidence to the committee and the American people that we have got this and we are ready to protect and defend our electoral process?

Secretary MAYORKAS. Congressman, thank you very much.

This is one of our priority areas. As a matter of fact, just a few weeks ago I engaged with secretaries of state from all over the country to focus our efforts on election security. We are building upon the great work of the former CISA director, Chris Krebs. Jen Easterly is leading of course the Cybersecurity and Infrastructure Security Agency in this effort.

We just established a mis- and disinformation governance board in the Department of Homeland Security to more effectively combat this threat, not only to election security, but to our homeland security. We are disseminating information to the secretaries of state, we are counseling them and providing resources to ensure better physical security, we are addressing all aspects of election security, given of course the mid-term elections that are upon us, and the fundamental integrity of our democratic processes that is at stake.

Mr. LANGEVIN. Thank you, Mr. Secretary. I appreciate you outlining those steps that are being taken. They are important of course. But let me also turn to the fact that of course the scope of Russian cyber threats extends beyond our elections. Also we know that the Russian government is exploring options, potential cyber attacks against the United States and our critical infrastructure. President Biden warned against that recently and making sure that we have all hands on deck to make sure that our critical infrastructure as well is being protected. But DHS, through the Cybersecurity and Infrastructure Security Agency under Director Easterly of course plays a major role in not only securing Federal networks against these threats, but also coordinating with Government and private sectors to secure our critical infrastructure.

So in approaching this multifaceted responsibility, DHS through CISA has generated innovative approaches to cybersecurity collaboration, both inter-agency and the broader set of public and private-sector stakeholders in the cybersecurity ecosystem. I wanted to ask what can we expect from the Department moving forward to maintain and further develop this work. Obviously, there is also—there is a considerable level of variance across our critical infrastructure. For instance, certain companies have different inherent cybersecu-

rity capacities, use different technologies, and have different levels of significance to National critical functions. How should DHS public-private partnerships account for such variances?

Secretary MAYORKAS. So there has been tremendous work under way, Congressman, in CISA under Jen Easterly's leadership. In the wake of the unprovoked and brutal Russian assault against Ukraine's sovereignty, CISA developed a Shields Up campaign, which is really an effort to disseminate information throughout the private sector with respect to the threat landscape so that the private sector, which really houses the majority of our Nation's critical infrastructure, can have its shields up, can be alert to the threat landscape, can understand the vulnerabilities that exist, and can patch those vulnerabilities and know how to do so.

That Shields Up effort is really extraordinary and unprecedented in scope and scale. We also have been assisted with legislation that does not in any way interfere with the voluntary public-private partnership, but does now, as you well know given your championship of it and Ranking Member Katko's championship of it, create a mandatory reporting regime where the Federal Government, best equipped to understand the homeland security landscape, can be informed of cyber incidents so that we can better protect the private sector.

Mr. LANGEVIN. Thank you, Mr. Secretary.

Chairman THOMPSON. The gentleman's time from Rhode Island is expired.

The Chair recognizes the gentleman from Mississippi, Mr. Guest, for 5 minutes.

Mr. GUEST. Thank you, Mr. Chairman.

Mr. Secretary, within the last 2 weeks I have taken two separate visits to the Southwest Border, one with Ranking Member Katko to El Paso and a second trip led by Leader McCarthy to Eagle Pass. During our trip to the border we spoke with Border Patrol agents, local law enforcement officials, community leaders, elected officials, and everyone that we spoke to without exception said this, that the situation at the border is the worst that they have ever seen it. Statistics tell the same story. Last month 221,000 encounters along the Southwest Border. Fox News reported that as many as 60,000 gotaways occurred last month. Just cutting that number in half, it is going to then be over a quarter of a million people who entered the country illegally last month. Since you have been Secretary, since the administration has taken over, we have seen that there have been more than 2.4 million encounters, a number greater than 15 of our individual States.

Just looking at the last 6 months, CBP reported that they have arrested 14,150 individuals with known criminal convictions, 321 known gang members. We know that 23 individuals were encountered who were on the terrorist watch list.

Mr. Secretary, you have repeatedly lied. You lied to Congress and you have lied to the American people when you said that the border is secure. Here in September, a hearing in which Representative Pfluger asked you this question, is the border more secure under your leadership than when you started—your answer, Congressman, the border is secure. We are executing our plan and I have been very clear and unequivocal in that regard.

Just over a year ago you were interviewed by ABC, Martha Raddatz. She said this, we have heard the sheriff say it, the Governors say it, and the immigrants I have spoken to say it, they are coming across the border because they believe they will be welcome under the Biden administration. You yourself 3 weeks ago are not saying don't come, we are saying don't come now. President Biden had a stronger message later, but the messages are mixed at the best, Mr. Secretary. Your response, Martha, do not come, the border is closed, the border is secure.

So my question to you, Mr. Secretary, are you testifying as you sit here today that the Southwest Border is secure?

Secretary MAYORKAS. Yes, I am. We are continuing to work to make it more secure.

If I can correct one thing about the statistics you are using and also mention one important factor.

No. 1, please understand that under Title 42, a Title 42 expulsion is not a formal removal under immigration law, under Title 8 of the United States Code. What happens under Title 42 is because it is an expulsion and not a formal removal, we are seeing a great deal of recidivism. So the same individual will try again to enter the United States. So the number of encounters is different from the number of unique individuals seeking entry into the United States between the ports of entry. No. 1. So the encounters does not equal the number of unique individuals.

No. 2, the transnational criminal organizations, the smuggling networks, are spreading misinformation to vulnerable migrants that the border is open. The reality is, the fact of the matter is, that individuals who are encountered at the border make claims for relief under our asylum laws. That is what our law provides. Those whose claims succeed in immigration enforcement proceedings have established a basis to remain in the United States, those who do not are removed from the United States, and therefore the border is in fact not open.

Mr. GUEST. Mr. Secretary, you are wrong. You are not being truthful with this committee and you are not being truthful with the American public. I have been to the border twice within the last 2 weeks. I have spoken with CBP agents, I have spoken with elected officials. They all say the same thing, they all say that this administration has abandoned them, they say that feel like that they are left to deal with this problem all by themselves. The border is not secure, the border is wide open. Under your leadership this problem has only gotten worse and in fact this is the worst immigration crisis that our Nation has ever seen.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back.

Let me suggest to our colleagues that decorum is the order of the day and we will enforce it accordingly.

The Chair recognizes—

Mr. KATKO. If I may just, Mr. Chairman, when you referred to decorum, what was the problem with the last question?

Chairman THOMPSON. Well, just to call somebody a liar is not decorum.

Mr. KATKO. OK. So but you are OK with a false statement, you are just saying because of—

Chairman THOMPSON. I am just saying that decorum is the order of the day.

Mr. KATKO. I understand that, but I just—by inferring that I thought you were inferring that this line of questioning was out of order. I understand—

Chairman THOMPSON. No, I—

Mr. KATKO. Thank you.

Chairman THOMPSON. I did not—I don't question any Member's question, but calling a man a liar is out of order.

The Chair recognizes the gentleman from California, Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman. I want to thank you for holding this most important hearing, you and the Ranking Member, and Members of this committee for being here.

Mr. Secretary, thank you for being here as well. I agree with my colleagues on the other side of the aisle, we have a major challenge at our borders.

I just got back again from visiting the border. Been to El Paso many times, San Ysidro many more times. I kind-of grew up in that area. If I can I am going to have the clerk show some photos I took at the San Ysidro border crossing of the latest number of refugees that we have at the border crossing. Drum roll.

[The information follows:]







Mr. CORREA. While we get there, let me say that since my time is running, what I observed were 1,000 Ukrainian refugees coming into Tijuana on a daily basis, about 500 of them are actually passed into the United States under temporary protective status. Title 42 is also being waived for them right now to come into the United States.

So my question, Mr. Secretary, how do you distinguish one group of refugees from another? Why don't you do the same thing for Afghanistan, Syrians, Africans, Central Americans? I guess my question—bigger question to you, sir, what is our American refugee policy? I would ask that of my colleagues here too. The United Nations

yesterday reported that this year 8.3 million Ukrainians will leave Ukraine. What is going to happen when we have 1 million to 2 million Ukrainians knocking at our border? Then, of course, what is going to happen, sir, when we have a few million starving Russians also knocking at our border?

The question, really not for you, but for us, is what is our refugee policy in this country? We know what the law is right now, and Title 42 is really something that has been used incorrectly to address immigration at our borders.

The refugee issue, this is nothing new. I just read something today that there is discussion now of a Marshall Plan for Central Europe to stabilize that region. Good idea. Why we haven't done that decades ago for Central America? If we have unstable economies, economies that are crushing, we have challenges at the border, and those surges, gentlemen, didn't start this administration. They have been going on there for 20–30 years. Why haven't we acted on those issue?

Folks come to our country the way our ancestors came to this country—economic refugees or political refugees.

So, Mr. Secretary, what is our refugee policy when we have a million, 2–3 million Afghanies—excuse me, Afghanistans, Ukrainians, Russians knocking at our borders? What is our policy? What is the solution?

I want all of us to answer that question. Or do we turn them away?

Did we get the photos up?

Please answer the question, sir.

Secretary MAYORKAS. Congressman, the President has spoken very powerfully about what our policy is, and that is that we are restoring—

Mr. CORREA. I can address my colleagues. Here is a picture of the Ukrainian refugees that—at Tijuana. A baseball field that the Mexican government graciously made available to these refugees.

Secretary MAYORKAS. We are restoring our leadership in the world as a country of refuge. In fact, for the Ukrainians who have left Ukraine in a time of brutal war, we have established a multi-part plan.

No. 1 is our traditional refugee processing, and we deployed refugee affairs officers to the region to administer that. No. 2, the Department of State issued guidance with respect to the availability of visas for Ukrainian nationals who qualify. Third, we announced this past Monday Uniting for Ukraine, a special humanitarian parole program that requires a sponsor here in the United States, which is another lawful and orderly and humane for Ukrainians to seek refuge in the United States.

Those are three different avenues by which Ukrainians seeking refuge can actually obtain it in the United States.

Mr. CORREA. Mr. Secretary, that is in the American tradition of opening our doors to those that are being persecuted, fleeing violence and war. That is what we should do. But it should not be limited just to Ukrainians, Russians, but it should be a blanket policy for the rest of the world. We need those workers. Chambers of commerce are saying we need that work force now.

Chairman THOMPSON. The gentleman's time has expired.

Mr. CORREA. Thank you, Mr. Chairman. I yield.

Chairman THOMPSON. The Chair recognizes the gentleman from New Jersey for 5 minutes, Mr. Van Drew.

Mr. VAN DREW. Thank you, Mr. Chairman.

Secretary Mayorkas, thanks for showing up today. When we met last March we were beginning to see the drastic implications of the Biden administration's horrendous immigrant policies. Within 45 days of you being confirmed as the Secretary of the Department, this administration has halted border wall construction that was already funded by Congress, eliminated the Remain in Mexico policy, implemented catch-and-release at the beginning of a global pandemic, which allowed thousands upon thousands of illegal immigrants to enter our country, canceled asylum agreements with Central American countries. Since all of these actions America has experienced the worst immigration crisis on our record.

Last month, there were over 220,000 migrant encounters at the Southern Border, which is almost a 30 percent increase from March of last year and a 542 percent increase—542 percent—think of that number—from March 2020. Last month's figures brought the total number of encounters to over 2.4 million since President Biden took office. This doesn't happen by accident.

Furthermore, the fiscal year 2023 budget does not request funding for a new border wall and does not include a significant amount of new agent positions. In fact, Mayor Bowser's budget for Washington, DC requests 347 additional police officers, which is more than DHS is requesting for the entire border, which is almost 2,000 miles. CPB's mission statement is "protecting American people"—"protecting American people, safeguarding our borders, and enhancing our Nation's prosperity."

Mr. Secretary, I am thoroughly disappointed, I am thoroughly disgusted, I am thoroughly disturbed about your performance.

Just a month ago, the Department announced that it was rescinding—rescinding the expedited removal border policy, which helped the Department effectively deport hundreds of thousands of illegal aliens. I, along with 77 other Members of Congress and with the support of every Republican on this committee, wrote to you expressing adamant opposition to this decision, a letter to which I welcome a response, a timely response some day.

The administration has also announced its decision to eliminate Title 42, which has allowed the Department to expel over half a million illegal undocumented aliens. Officials have even acknowledged that revoking Title 42 will lead to a sharp increase in illegal migrant crossings, drawing criticism and concern from Democrats and Republicans in both chambers of commerce.

Officials within your Department have predicted an average of 18,000 migrant crossings a day. Everybody think about that—18,000 migrant crossings a day. I am not saying it, it is officials within your Department—18,000. Title 42 is lifted, which is roughly 3 times the already record-setting rate you have been setting. Since being confirmed as Secretary, you have broken the records, Mr. Secretary. When you were asked during an interview whether you thought the administration's policies were encouraging illegal immigration—and I can't believe that you said this—you stated I don't think that is the case at all. I don't know how you could look

at us straight in the face and say that to us. I don't think that is the case at all. Just look what is going on and process it.

Does this administration have a plan for border security? Does this administration have a plan for the health issues that come with all of the undocumented coming over? Does this administration have a real plan for the huge increase in fentanyl and the flow of drugs? Does this administration have a plan for the huge increase in illegal crossing that are going to occur in our very near future that are going to change the very substance, structure of our Nation?

How can this happen while you and the administration are failing to recognize the border crisis? I hate to say this—

Chairman THOMPSON. The gentleman's time—

Mr. VAN DREW. But I wish that you would resign. I do. I wish you would resign.

Chairman THOMPSON. The Chair recognizes the gentlelady from Michigan, Ms. Slotkin, for 5 minutes.

Ms. SLOTKIN. Thank you.

Secretary Mayorkas, thank you for being here. Maybe it is because I am just coming from the funeral of Secretary Madeleine Albright, who was a refugee to this country, fleeing persecution in Europe and coming here, that it is hard to listen frankly here and on TV to how politicized both sides of the aisle are when it comes to the border. I think the answer is, whether it is this administration or the last or the ones before that, our immigration system is broken. Democrats and Republicans own that. Right now Democrats have the House, the Senate, and the White House and have done nothing to get a comprehensive immigration reform. Four years ago, the Republicans had the House, the Senate, and the White House and did nothing to do comprehensive immigration reform. In Congress, we are more culpable than anyone because we are the ones who set the laws.

As a CIA officer and Pentagon official by training, if we are dealing with security issues on the very border of our country, we have failed. Our policy is failing. That is the place of last resort to protect ourselves, not the place we should be metering out who comes into our country.

So I guess it just feels like whichever party is in power is going to be—should be responsible and however is not in power is going to be criticizing the other side. But until we get at that root problem, we are going to have year after year these horrible picture of our border officials having to be overwhelmed and of migrants seeking a better life living in bad conditions.

Two years ago we all—I think every one of us on this committee voted on a \$4.5 billion supplemental. We sent active-duty military to the border in addition to the Guard and we put people in cages and separated them from their children in order to make border policy something different than it was. Now we allow people to allow people to come into the country and they go off and we have no idea whether they are ever going to show up in a courtroom again. Neither of those policies makes any sense. It is broken. But every single person here, along with the Secretary, owns part of that responsibility. If you are going to criticize what is going on on

the border, then put forward a piece of legislation to make it better, don't just use it as a political cudgel, Democrats and Republicans.

Sorry. Just going to that funeral and seeing what we can get when we have a decent immigration policy and allowing people who are fearing persecution and death legitimately to come here, and then allow economic migrants, people like my great-grandfather who came here just for a better life, allowing them to come and work here in a vetted legal way, where they can apply from home, not shoving their way through a border. That is what we should be aiming at.

OK.

The other issue where I think that the American public feels like they are not being defended is on cybersecurity. I know that there is a lot that goes on, but help me understand, that was a surprise to me to open up the budget that you all submitted and to see a decrease to CISA, to the organization that I tell everyone is the 9-1-1 operator to call when there is a major cybersecurity attack. Please help me understand and help the American public understand decreasing the 9-1-1 operators.

Secretary MAYORKAS. Congresswoman Slotkin, thank you very much for your words with respect to the imperative to fix what has long been a broken immigration system.

So the issue of CISA's funding, we have sought an increase in CISA's funding year in and year out. The President's fiscal year 2022 budget requested an increase and the President's fiscal year 2023 budget requested an increase over his request of 2022. The timing of it was we were not aware of the budget that would be enacted by this Congress and we are grateful for the plus-up—further plus-up of CISA, but we have sought an increase in our budget as compared to our prior budget year over year.

I also want to make it clear that we are continuing to expend the \$650 million that we received under the American Rescue Plan and we are significantly plussing up CISA with those funds as well. We tremendously appreciate Congress's support of that agency as a most critical time.

Ms. SLOTKIN. Thank you.

My time has expired.

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the gentleman from North Carolina, Mr. Bishop, for 5 minutes.

Mr. BISHOP. Thank you, Mr. Chairman.

Mr. Secretary, I was struck by my colleague's comments and by yours earlier, that this—to the—in the direction that this is a same-old same-old problem. That is not correct. The experience we are having with illegal immigration in this country, and have had since the beginning of the Biden administration, is anything but same-old same-old. It is historically unprecedented. It is not happening like this everywhere in the world.

The premise of the Biden policy on immigration has been that it is more humane. On that premise, Secretary Mayorkas, you have released 880,000 people into the country, illegal migrants, another 600,000 gotaways, give or take, many of those absolutely are criminals, some are drug dealers, some are sex offenders. You can't guarantee that there aren't or that they won't commit crimes.

What is your message to Americans who are going to be murdered, raped, killed by drugs, have their lives destroyed by flourishing trafficking because of your policies?

Secretary MAYORKAS. Congressman, thank you for the opportunity to answer your question.

First of all, let me address your statement that it is not happening elsewhere in the world.

Mr. BISHOP. But that wasn't my question.

Secretary MAYORKAS. No, but that it is an—

Mr. BISHOP. My question to you, sir—and I would like you to answer my question rather than make your own speech, if you don't mind—what do you have to say to Americans who will suffer grievous crime, be victims of crime by virtue of people being allowed into the country and released when you need not have done so?

Secretary MAYORKAS. Individuals who enter the country are placed in immigration enforcement proceedings. They have the opportunity to make a claim for relief under the laws that this Congress has passed.

Mr. BISHOP. So your answer to them—

Secretary MAYORKAS. If they—

Mr. BISHOP. Your answer to the Americans who will suffer crime is that there is—is that people get to make asylum claims?

Secretary MAYORKAS. If I can finish my answer.

Mr. BISHOP. I am not going to give you my time to make a long-winded answer.

Secretary MAYORKAS. No, no, no, I am—

Mr. BISHOP. If you want to answer directly to the question I am asking, which is do you have a message—

Chairman THOMPSON. Mr. Bishop, just let him answer. If you—

Mr. BISHOP. Mr. Chairman, it is my time and I am not going to let him filibuster me. I am not going to let him filibuster me, Mr. Chairman.

Chairman THOMPSON. Well, he is trying to answer your question.

Mr. BISHOP. If he decides—

Chairman THOMPSON. You were interrupting.

Mr. BISHOP [continuing]. He wants to go on a filibuster, then I will just ask him another question. My question is do you have a message to those Americans who will be victims of crime because of your policy?

Secretary MAYORKAS. That we are taking a tougher stand on criminals who have entered this country illegally. The data suggests that we are more focused—

Mr. BISHOP. Really?

Secretary MAYORKAS [continuing]. On public safety threats, true public safety threats to the homeland than the prior administration was. In fact, we have removed more aggravated felonies, felons, and felons in 1 year than the prior administration did.

Mr. BISHOP. Interestingly—

Secretary MAYORKAS. I think it—

Mr. BISHOP [continuing]. In all of those—

Secretary MAYORKAS [continuing]. It I think it is almost double actually.

Mr. BISHOP. In all of those individual categories of serious felony crimes, your numbers are lower, but somehow you have a larger number overall. It is amazing.

Let me ask you this, 100,000 Americans died over overdoses last year. DEA says 95 percent of the fentanyl that comes in this country comes across the Southwestern Border. Do you feel a personal sense of remorse for those Americans who have died because fentanyl is coming in right and left across a border that is overwhelmed by illegal migration?

Mr. BISHOP. The fentanyl crisis has been building year in and year out. Of course we mourn the loss of individuals who have lost their lives. You know that in 2020 it was an approximately 50 percent increase in opioid deaths in this country over 2019? 2020 over 2019. The number of opioid overdose deaths in this country has grown each year, year in and year out well prior to this administration. What we have to do as a country is address the fundamental underlying cause, which is demand.

Mr. BISHOP. Sir—

Secretary MAYORKAS. I should say also—

Mr. BISHOP [continuing]. Let me ask you about the migrants—

Secretary MAYORKAS [continuing]. Fentanyl is brought into this—is sought to be brought into this country through the ports of entry. The great majority is through the ports of entry where we have interdicted—

Mr. BISHOP. Where your agents have been diverted to processing illegal migrants. Sir—

Secretary MAYORKAS [continuing]. And we have interdicted more fentanyl—

Mr. BISHOP. I have got 30 seconds left.

Secretary MAYORKAS [continuing]. In 2021 than we did in the prior year.

Mr. BISHOP. Almost 700 migrants have died on American soil in the process of entering the country. Do you feel personal remorse for their loss?

Secretary MAYORKAS. You realize that under the Migrant Protection Protocols, according to a human rights organization, more than 1,500 individuals were murdered, raped, tortured, or suffered serious crimes in Mexico?

Mr. BISHOP. You would rather have the 700 dead?

I yield back.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentleman from Missouri for 5 minutes, Mr. Cleaver.

Mr. CLEAVER. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here. I believe that there are 33 nations in the Western Hemisphere. Is that close? Or wrong completely? I am close. Is it possible for us to develop a sound immigration plan without cooperation with the nations in the Western Hemisphere? Or some of them?

Secretary MAYORKAS. Congressman, it is extraordinarily difficult to do so. Migration is a challenge that is being confronted by countries throughout the region and therefore calls for a regional solution. That is why Secretary Blinken and I were in Panama last

week, to meet with leaders of multiple nations throughout the region.

This is not a challenge that the United States alone is facing. As a matter of fact, contrary to the statement just articulated, Colombia, as a powerful example, has 1.8 million Venezuelans within its borders. I was in Costa Rica before I was in Panama to further advance a regional solution, and approximately 2 percent of the population of Costa Rica, a small country, is currently Nicaraguan by reason of the distress of people in the countries of origin. We of course have to address the root causes, we have to build safe and orderly and humane pathways, we have to equip and enable countries to enforce their borders, to provide humanitarian relief where it is warranted, to repatriate individuals where it is not, and fundamentally, to Congresswoman Slotkin's important statement, we have to fix our broken immigration system.

Mr. CLEAVER. Well, following up on her comments, I played sports in high school and college, at least the first part of college, and I am convinced that winning in sports depends in large part on whether the team plays together. If you watch basketball right now, the NBA, some of them have amazing talent, some of them have like four superstars starting, and at least two of those teams with the superstars didn't even make the playoffs. The reason is that when a team, and in this case, Congress, refuses to play together, our worth is not much more than nail fungus. You know, I sit here and, you know, I have never said I wanted to impeach anybody. I don't care if they are Republican, Independent, vegetarian, you know, nobody. Because what I want to do here and be able for my grandchildren to feel good about it when they get to the age where they are interested in what is going on in the world, you know, that we try to make some things work, we try to solve some problems.

I told somebody earlier today, I was talking about my father turns—who is 100, turning 100, and when he came up here for my swearing in, we were walking across the street to my apartment in the Methodist building, right across the street from the Capitol, my father turned around and looked up at the dome and just started weeping. He turned over to me and he said, man, he said, I was born in this country and I have come to the conclusion my son may be able to help solve some of the problems in our country. I will never forget it as long as I maintain mental dexterity. My call is for us to work—we are never going to get this right unless we work together. It is easy to come in here and, even your predecessor, a Republican, I didn't scream at him or anything, because I realized it doesn't matter who is in that chair, if we don't work together, it ain't going to work.

Chairman THOMPSON. The gentleman's time has expired.

Mr. CLEAVER. Thank you, Mr. Chairman.

Chairman THOMPSON. The Chair recognizes the gentleman from South Carolina, Mr. Norman, for 5 minutes.

Mr. NORMAN. Mr. Secretary, I have no hope that—and I will follow decorum, Mr. Chairman. I won't say you are lying, I will just say you are untruthful. I have called for your removal, I will continue to call for it. What you are doing to this country through your actions are intolerable.

I just heard from a Gold Star mother lunch, husband died from a terrorist. We heard from Tom Homan last night and Mark Morgan, the figures that you have all heard, particularly when Title 42 goes away, anywhere from 15–18,000 illegals per day. That equates to roughly 539,000, give or take, per every 30 days. That is five football stadiums of Carolina or Clemson—they hold roughly 79,000—under your watch. You don't know who is coming in here, you don't know—they are not being vetted, the diseases that are coming across. But it doesn't matter. There is no way that—you know, for the statements to be made, that you made that this is—the system is broke, it is broken in a way that we have never seen before because you won't—it is very simple, you build the wall. The steel that is laying on the ground that is decaying that is paid for, you build the wall and have orderly entry-level. You are unwilling to do that.

This is an invasion of this country and under your watch you are allowing it.

This is creating an economic crisis, this is creating a drug crisis that has been noted. In my small town alone, the fentanyl deaths are at record levels, of the ones we know about. It is astounding that you really even show up today and just espouse words that have no meaning.

You know, the only thing I would say that could possibly make sense is the fact that this is something that you think is good for this country. You are an ideologue that thinks that letting anybody in under any circumstance is OK. This country will pay a price as has never before.

If, as you say, the border is more secure, what is your definition of insecure?

Secretary MAYORKAS. Congressman, you have so grotesquely mischaracterized my position on the issues and my service to this country for more than 20 years.

Mr. NORMAN. Your actions prove different, Mr. Secretary. Your actions prove different.

Secretary MAYORKAS. I have laid out—

Mr. NORMAN. The fact that what you are—hold on, this is my time. The fact—and you are not going to answer questions, you avoid them just like you always have. You are going to accomplish your goal while you can as long as you are in office. Come January this is going to change with you and many others. It is my hope and my prayer.

Again, a short answer. What is insecure? If we are secure in our border, what is insecure? Give me a short answer. I have got a minute and 27 seconds.

Secretary MAYORKAS. Congressman, 250,000 qualified people dedicate themselves to the mission of our homeland security and that includes the brave and honorable members of the United States Border Patrol.

Mr. NORMAN. I have been twice, Mr. Secretary.

Secretary MAYORKAS. And office of field operations.

Mr. NORMAN. If you talk to the Border Patrol agents, they feel like the handcuffs are on them. They are as demoralized as any group. I, unlike the Vice President, unlike the President, I have been there, as many of the Members on both sides of the aisle. It

is not a laughable matter, it is something that we will pay a price for for a long time. I pity the law enforcement that has to stop an illegal, not knowing where he is from, what background it is. Like has been asked, you tell that mother whose child or relative is murdered by the criminals coming in this country. It would be interesting how you would address them. By your actions under your watch.

Secretary MAYORKAS. Congressman, we will continue to execute the plan that we have devised long ago—

Mr. NORMAN. It is no plan. It is no plan.

Secretary MAYORKAS. We will continue to execute it and we will intensify our efforts and address the challenges—

Mr. NORMAN. Let me read your statement, Mr. Secretary. When the Title 42 public health order is lifted, we anticipate migrant levels to increase. That is what you want, that is what you are anticipating, and it is a sad day for this country.

Chairman THOMPSON. The gentleman's time has expired.

The Chair has talked to the Ranking Member, we have been notified that we will have 12 votes and we are trying to make sure at least all our Members an opportunity to ask some questions. So we are going to pull it down from 5 minutes to 2 minutes.

Mr. KATKO. Yes, sir. I think that gives everybody an opportunity to at least say something.

Chairman THOMPSON. OK.

Mr. KATKO. All right?

Chairman THOMPSON. Thank you.

Mr. KATKO. OK.

Chairman THOMPSON. Without objection.

The Chair recognizes the gentleman from Texas, Mr. Green, for 2 minutes.

Mr. GREEN. Thank you, Mr. Chairman, and I thank the Secretary for appearing today.

I am also very much in sympathy with the families of these Border Patrol agents who have lost their lives. Always saddened to hear about lives lost. All life is precious.

But, Mr. Secretary, would you just take my 2 minutes, if you would, or what is left, about 100—about a minute and 40 seconds, and explain why a wall will not solve the problem at the border please.

Secretary MAYORKAS. Congressman, we have observed individuals bypassing the wall, intruding beyond it, cutting it, climbing over it, and the like. The border requires a layered solution to its security. The greatest force multiplier there is is technology. That is why we in our fiscal year 2023 budget are requesting that Congress allow us to invest further in technology. We are also seeking to resource our Border Patrol agents. We make for the first time since 2011 a request to increase our Border Patrol forces by 300 personnel, not to mention additional case processors and the like so we can get our Border Patrol agents out into the field.

The fact of the matter is that the border is not the right solution—I am sorry, the wall is not the right solution for the border. We have to harness innovation and technology as the most economic efficient means, as a force multiplier to our extraordinary personnel.

Mr. GREEN. Well, I thank you for your service. I wish I had more time to allow you to respond to some of the things that have infringed upon your character.

But I yield back. Thank you.

Chairman THOMPSON. The gentleman's time from Texas has expired.

The Chair recognizes the gentlelady from Iowa, Ms. Miller-Meeks, for 2 minutes.

Ms. MILLER-MEEKS. Thank you, Mr. Chair.

Secretary Mayorkas, if a wall didn't work, Speaker Pelosi probably disagrees with you because we had a wall up around the Capitol for, I don't know, over 6 months or so.

But just this month, the Department of Health and Human Services extended the COVID-19 public health emergency for another 90 days. As you know, only 12 days earlier the CDC, which is a component of HHS, decided to terminate its order under Title 42. I am on multiple pieces of legislation that would require the implementation of Title 42 until the COVID-19 public health emergency is lifted.

As a physician, as a former public health official, I am interested to know, Mr. Secretary, if Dr. Walensky or anyone from the CDC contacted you to consult with you prior to their April 1 announcement? This is a yes or no question please.

Secretary MAYORKAS. Congressman, the law requires consultation and we did consult. What I did was provided data with respect to the number of encounters, the number of individuals—

Ms. MILLER-MEEKS. That is good hear that you are consulting the experts and I am sure you would be very willing to transmit to us all emails and phone conversation transcripts of those conversations with the CDC.

You stated in your testimony that you expect migration to increase. You have also stated that more than 18 percent of migrant families and 20 percent of unaccompanied minors who have recently crossed the U.S. border tested positive for Covid. So I find it interesting that despite these statements you still believe that lifting Title 42 is a good idea.

But moving onto another question regarding our immigration system, I visited the border three times since being worn in, I have heard of horror stories of children being smuggled, I have heard of the rape trees, I have heard of the cartels using children as pawns and people attempting to recycle children. In fact, one of these incidences in the RGV sector years ago, a woman and child were apprehended, the woman was then caught using—spitting into the child's mouth to get DNA samples.

Mr. Chairman, I ask for unanimous consent to enter the OIG report and an article, an RGV incident into the record.

Secretary Mayorkas—

Chairman THOMPSON. Without objection, so ordered.

**OFFICE OF INSPECTOR GENERAL**

**CBP Officials Implemented  
Rapid DNA Testing to  
Verify Claimed Parent-Child  
Relationships**



**Homeland  
Security**

**February 8, 2022  
OIG-22-27**



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

February 8, 2022

MEMORANDUM FOR: The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security

FROM: Joseph V. Cuffari, Ph.D. JOSEPH V. CUFFARI  
Inspector General CUFFARI

SUBJECT: *CBP Officials Implemented Rapid DNA Testing to Verify Claimed Parent-Child Relationships*

Digitally signed by  
JOSEPH V CUFFARI  
Date: 2022.02.07  
15:46:26 -05'00'

For your information is our final report, *CBP Officials Implemented Rapid DNA Testing to Verify Claimed Parent-Child Relationships*. The report identifies the extent to which DHS is implementing Rapid DNA technology. Your office chose not to submit management comments to the draft report. The report contains no recommendations.

Consistent with our responsibility under the *Inspector General Act*, we will distribute copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with questions, or your staff may contact Bruce Miller, Deputy Inspector General for Audits at (202) 981-6000.

Attachment



## DHS OIG HIGHLIGHTS

### *CBP Officials Implemented Rapid DNA Testing to Verify Claimed Parent-Child Relationships*

**February 8, 2022**

### **Why We Did This Audit**

From 2012 to 2015, the Department of Homeland Security, Science and Technology directorate funded a Rapid DNA program. Two contractors developed technology to perform rapid, low-cost, DNA-based family relationship verification. The program intended to improve immigration efficiency for legal kinship applicants, reduce kinship fraud, identify mass casualty victims, and reunify families. Since 2015, contractors further developed Rapid DNA technology into portable machines capable of determining parent-child relationships in about 90 minutes. We audited DHS to determine the extent to which it is implementing Rapid DNA technology.

### **What We Recommend**

We offer no recommendations at this time.

**For Further Information:**  
Contact our Office of Public Affairs at (202) 981-6000, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### **What We Found**

Beginning in May 2019, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) piloted Rapid DNA technology to verify claimed parent-child relationships. ICE HSI implemented Rapid DNA testing at 11 locations across the southwest border. On January 13, 2020, the United States District Court, Southern District of California issued an order requiring DHS to test DNA before separating an adult and child based on concerns about the validity of a claimed parental relationship.

On September 12, 2021, U.S. Customs and Border Protection (CBP) officials implemented Rapid DNA testing in situations in which CBP suspected a fraudulent claim of biological parent-child relationship. CBP's Rapid DNA testing program replaced ICE HSI's pilot program, which ended the same day and was the only Rapid DNA testing program in DHS.

During our audit, CBP officials coordinated with ICE HSI officials to implement a Rapid DNA testing program. In September 2021, CBP contracted for Rapid DNA testing services at 18 U.S. Border Patrol and Office of Field Operations locations. The contractor must send results to CBP within 24 hours after receiving DNA samples. Because CBP started its Rapid DNA testing in September 2021, we offer no recommendations at this time.

### **DHS Response**

DHS chose not to submit management comments to the draft report.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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**Background**

From 2012 to 2015, the Department of Homeland Security, Science and Technology Directorate funded a Rapid DNA program. Two contractors developed technology to perform rapid, low-cost, DNA-based family relationship verification. The program intended to improve immigration efficiency for legal kinship applicants, reduce kinship fraud, identify mass casualty victims, and reunify families. In 2014, the Science and Technology Directorate requested that U.S. Customs and Border Protection (CBP), Laboratories and Scientific Services Directorate validate Rapid DNA instruments from the two contractors. Laboratories and Scientific Services Directorate officials tested accuracy, assessed possible field deployment, and gauged DHS officials' use. Since 2015, contractors further developed Rapid DNA technology into portable machines capable of determining parent-child relationships in about 90 minutes.

DHS officials or contractors collect DNA samples with cheek swabs to test parent-child relationships with Rapid DNA technology. DHS officials or contractors apply barcodes to DNA samples for tracking purposes rather than names or personally identifying information. Rapid DNA machines compare DNA samples and give a positive or negative result for a parent-child match. After analysis, DHS officials destroy DNA samples and purge electronic data. Rapid DNA collected to verify parent-child relationships differs from DNA collected for the *DNA Fingerprint Act of 2005* because DHS officials do not send Rapid DNA data to the Federal Bureau of Investigation to store in the Combined DNA Index System. See our report, *DHS Law Enforcement Components Did Not Consistently Collect DNA from Arrestees*, OIG-21-35, May 17, 2021, for additional information regarding DHS DNA collection under the *DNA Fingerprint Act of 2005*.

U.S. Immigration and Customs Enforcement (ICE) and CBP officials enforce and administer Federal laws at the border, including those that govern customs and immigration. Under 8 United States Code (U.S.C.) § 1357(b), ICE and CBP officials have the power and authority to "take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States." In general, CBP officials refer concerns about suspected fraudulent claims of parentage to ICE, Homeland Security Investigations (HSI) to investigate further.

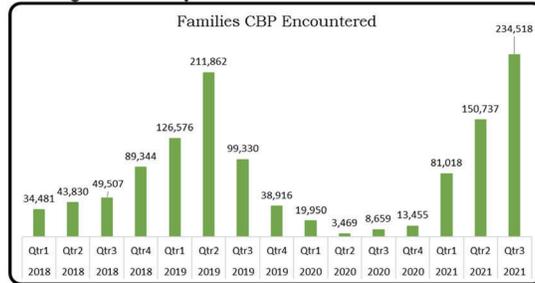
From 2018 to 2019, CBP officials encountered a surge of families crossing the southwest border. According to ICE, human smugglers and cartels capitalized on this surge and DHS' inability to detain families long enough to complete their investigations. DHS can only detain minors in family units for limited periods of time due, in part, to a legal settlement known as the *Flores*



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settlement agreement (FSA).<sup>1</sup> Figure 1 shows the number of families encountered from 2018 to 2021 at the southwest land border, which includes Arizona, California, New Mexico, and Texas.

**Figure 1. Family Units CBP Encountered 2018–2021**



Source: DHS Office of Inspector General created based on CBP data

In May 2019, ICE HSI piloted Rapid DNA technology to investigate fraud schemes related to parentage.<sup>2</sup> ICE HSI implemented Rapid DNA testing at 11 locations across the southwest border. During the pilot program, CBP officials referred parent-child relationship concerns to ICE HSI when they could not verify parentage with documents or interviews. ICE HSI investigated CBP parentage concerns using Rapid DNA testing as an option. Figure 2 shows a Rapid DNA testing machine during an ICE HSI demonstration.

<sup>1</sup> *Flores, et al. v. Garland*, No. 85-4544 (C.D. Cal. filed July 11, 1985). Under the FSA and post-FSA litigation and regulatory amendments, ICE limits detention of minors in family units to about 20 days.

<sup>2</sup> Privacy Impact Assessment for the Rapid DNA Operational Use DHS/ICE/PIA-050, June 25, 2019, available at [https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-rapiddna-june2019\\_3.pdf](https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-rapiddna-june2019_3.pdf).



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**Figure 2. Rapid DNA Machine**

Source: DHS OIG screen print during August 2021 ICE HSI Rapid DNA virtual demonstration

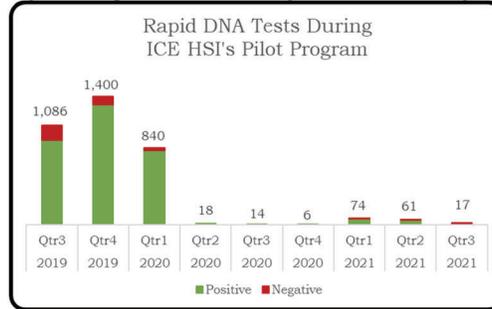
ICE HSI and CBP officials said testing with Rapid DNA helped deter and investigate false claims about parent-child relationships. According to ICE HSI statistics, from June 2019 to September 2021, investigators completed 3,516 Rapid DNA tests with 300 (8.5 percent) testing negative for claimed parent-child relationships and 3,216 (91.5 percent) testing positive. In March 2020 and thereafter, Rapid DNA testing significantly reduced due to Coronavirus Disease 2019 pandemic-related travel restrictions. Additionally, the U.S. Department of Health and Human Services used its authority under 42 U.S.C. § 265 to issue an order temporarily suspending the introduction of noncitizens into the United States from Coronavirus Disease 2019-affected areas.<sup>3</sup> Under U.S. Department of Health and Human Services' 42 U.S.C. § 265 Order, DHS may expel noncitizens subject to the order to their country of last transit or country of origin. Figure 3 shows the total number of Rapid DNA tests during ICE HSI's pilot program.

<sup>3</sup> *Public Health Reassessment and Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Order Under Sections 362 & 365 of the Public Health Service Act (42 U.S.C § 265, 268) (August 2, 2021) (replacing previous orders of March 20, 2020, April 20, 2020, and May 19, 2020, and October 13, 2020).  
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**Figure 3. Rapid DNA Tests during ICE HSI's Pilot Program**



Source: DHS OIG created based on ICE HSI calendar year data and reports

Since 2019, ICE HSI was the only DHS component implementing Rapid DNA testing. In May 2021, ICE HSI decided to end its pilot program due to decreased testing, among other considerations.

We initiated this audit to determine the extent to which DHS is implementing Rapid DNA technology.

**Results of Audit**

**CBP Officials Implemented Rapid DNA Testing to Verify Claimed Parent-Child Relationships**

On September 12, 2021, CBP officials implemented Rapid DNA testing to verify claimed parent-child relationships.<sup>4</sup> CBP's Rapid DNA testing program replaced ICE HSI's pilot program, which ended the same day and was the only Rapid DNA testing program in DHS. DHS must test DNA before separating an adult from a child based on concerns about the validity of a claimed parent-child relationship. Specifically, on January 13, 2020, the United States District Court, Southern District of California, issued an order in its role overseeing the *Ms. L v. ICE* preliminary injunction.<sup>5</sup> The order required DHS to

<sup>4</sup> Privacy Impact Assessment for the Operational Use of Familial DNA DHS Reference No. DHS/CBP/PIA-071 September 10, 2021, available at <https://www.dhs.gov/publication/dhschppia-071-operational-use-familial-dna>.

<sup>5</sup> *Ms. L et al., v. U.S. Immigration and Customs Enforcement ("ICE") et al.*, No. 18cv0428 DMS (MDD), (S.D. Cal. Jan 13, 2020), Order Granting in Part and Denying in Part Plaintiffs' Motion to Enforce Preliminary Injunction (Jan. 13, 2020) ("*Ms. L* 2020 Order").  
www.oig.dhs.gov 5 OIG-22-27



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test DNA before separating an adult and child based on concerns about the validity of a claimed parental relationship. After the 2018 order, plaintiffs in the case identified two instances in which DHS separated parents from their children based on parentage concerns. However, DHS reunified the parents and children after a DNA test confirmed biological parentage. In the 2020 enforcement order, the judge wrote:

DHS has implemented a pilot program using Rapid DNA technology, which can determine parentage in approximately ninety *minutes*.... Given the right at issue here, the harm that parents and children suffer when they are separated, and the undisputed speed, accuracy and availability of DNA testing, the Court finds Defendants must conduct DNA testing before separating an adult from a child based on parentage concerns. Such testing, in service to the fundamental right at issue, is clearly warranted. It is also an efficient and definitive way to resolve any concerns about fraudulent documentation.<sup>6</sup>

Since May 6, 2019, CBP officials referred suspected parentage-related fraud concerns to ICE HSI to investigate for criminal prosecution. Following referral, during its criminal investigation, HSI could request a consensually administered Rapid DNA test. On May 13, 2021, ICE HSI decided its pilot program along the southwest border to test DNA based on CBP parentage concerns would end on September 12, 2021. Because CBP did not have a similar DNA testing capability, ICE HSI's decision to end Rapid DNA testing in 4 months created a potential lapse in DNA testing required for DHS to separate children from unrelated adults.

During our audit, CBP officials coordinated with ICE HSI officials to implement a Rapid DNA testing program. From April to June 2021, ICE HSI officials advised CBP officials and shared its cost and contract documents, shutdown plan, concept of operations, and points of contact. In June and July 2021, CBP gathered Rapid DNA testing information from ICE HSI and considered options for its Rapid DNA testing program to verify claimed parent-child relationships. In August and September 2021, CBP officials determined a way forward and signed a contract on September 10, 2021, for Rapid DNA testing to begin September 12, 2021. CBP contracted for Rapid DNA testing services in support of U.S. Border Patrol and Office of Field Operations locations.<sup>7</sup> According to the contract, CBP officials mail the contractor DNA samples they collect in contractor-supplied kits. The contractor must test the DNA from each swab in each kit received and send CBP officials the test results within

<sup>6</sup> *Ms. L* 2020 Order (emphasis in original).

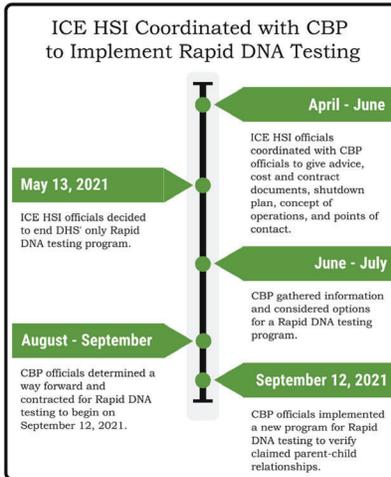
<sup>7</sup> According to the contract, the contractor supplies Rapid DNA test kits to 18 U.S. Border Patrol and Office of Field Operations locations in Texas, Arizona, California, Washington, New York, Montana, Minnesota, and Michigan.



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24 hours. Figure 4 shows ICE HSI coordination with CBP to implement Rapid DNA testing.

**Figure 4. ICE and CBP Coordination from April to September 2021**



Source: DHS OIG created based on ICE and CBP communications

We offer no recommendations at this time because ICE ended its Rapid DNA pilot project and CBP started its DNA testing in September 2021. We may later revisit DHS Rapid DNA collection after CBP can fully implement its program.

**Management Comments and OIG Analysis**

DHS chose not to submit management comments to the draft report. However, DHS submitted technical comments to the draft report that we incorporated as appropriate.



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**Objective, Scope, and Methodology**

The *Homeland Security Act of 2002* (Public Law 107-296), by amendment to the *Inspector General Act of 1978*, established the Department of Homeland Security, Office of Inspector General.

Our objective was to determine the extent to which DHS is implementing Rapid DNA technology. We limited our scope to determine Rapid DNA activities during our audit, April to September 2021. To answer our objective, we:

- interviewed officials from: DHS Office of Strategy, Policy, and Plans; DHS Science and Technology Directorate; DHS Office of Biometric Identity Management; ICE Enforcement and Removal Operations; ICE HSI; CBP Border Patrol; CBP Office of Field Operations; CBP Laboratories and Scientific Services Directorate; U.S. Secret Service; and U.S. Citizenship and Immigration Services to obtain information about Rapid DNA technology;
- researched Federal laws, regulations, internal policies, internal reports and legal requirements to identify applicable criteria governing Rapid DNA collection;
- reviewed DHS budget documents to identify funds allocated for DNA collection;
- consulted Rapid DNA contract documents for relevant factual information;
- analyzed ICE HSI Rapid DNA collection data from 2019 to 2021;
- reviewed five reports of investigation from ICE HSI; and
- virtually visited two ICE HSI Rapid DNA locations in El Paso and Donna, Texas, to interview officials and observe their Rapid DNA collection process.

We assessed data reliability. We interviewed component officials knowledgeable about the data and tested the data to identify anomalies such as incomplete or missing data. We determined the data sufficiently reliable for our audit purposes.

We assessed internal controls. On September 12, 2021, ICE-HSI ended their Rapid DNA program. On September 12, 2021, CBP began its Rapid DNA program, which CBP did not completely implement during our audit scope. Due to timing of this evolution, we deemed internal controls insignificant to our audit objective.



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We conducted this performance audit between April and September 2021 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objective.



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**Appendix A**  
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4/27/22, 12:48 PM

'The Ruthlessness': Migrant Woman Spit In Child's Mouth To Trick DNA Tests | The Daily Caller

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*FTK Miller Meets*

U.S.

## 'The Ruthlessness': Migrant Woman Spit In Child's Mouth To Trick DNA Tests



Shutterstock image by Susan Petkovic

DAILY CALLER NEWS FOUNDATION

JASON HOPKINS  
IMMIGRATION AND POLITICS REPORTER

January 24, 2020  
1:10 PM ET

FONT SIZE: **+** **-**

- **Matthew Albence, the acting director of ICE, held a press conference Thursday to express his agency's concern with sanctuary jurisdictions, recent actions to clamp down on noncooperative cities and other issues.**
- **Albence also highlighted ICE's work to weed out "fraudulent families," migrants falsely posing as family members to skirt U.S. immigration laws.**
- **Giving one gruesome example, Albence said one migrant woman spit in the mouth of an unrelated baby in an attempt to defraud multiple DNA tests.**

<https://dailycaller.com/2020/01/24/migrant-woman-spit-mouth-child-albence/>

1/8

4/27/22, 12:48 PM

The Ruthlessness: Migrant Woman Spit In Child's Mouth To Trick DNA Tests | The Daily Caller

They put them in for DNA testing. They did three or four tests, and the DNA test for the child kept coming back inconclusive. In fact, it kept coming back with two different strands of DNA, which isn't humanly possible," Albance explained during the press conference.

"You know what she was doing? The mother was spitting into the child's mouth to put her DNA into that child so they could be released as a family unit," he said.

"So that's what's going on at the border. That's the humanitarian crisis we're talking about, and that we're trying to deal with," Albance went on, noting that the woman was sent to jail and the child was rescued. "That shows the heartlessness of some individuals and what they're willing to do come to this country illegally."

Immigration fraud is a significant occurrence at the U.S.-Mexico border. The Department of Homeland Security (DHS) identified more than 702 fraudulent families, including nearly 1,500 fraudulent documents — bogus passports, birth certificates, etc. These individuals, who are aware of U.S. immigration procedures, bring unrelated children with them in the hopes of being regarded as a family unit. Such a designation, they believe, will give them a greater chance of being released into the interior of the country.

Numerous cases have emerged where adult migrants have admitted to renting adolescents to take to the border. Immigration authorities have also found the **same children repeatedly showing** up at the border, a result of them being recycled by human smuggling organizations for different customers.

4/27/22, 12:48 PM

The Ruthlessness: Migrant Woman Spit In Child's Mouth To Trick DNA Tests | The Daily Caller

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“We don’t do politics. There’s not one person in this agency, including myself, that needs a single vote, that needs a single dollar from a donor, or a single endorsement from any special interest group to do our job,” he said to reporters. “We do our jobs because we are sworn federal law enforcement officers and that’s what we do.”

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Ms. MILLER-MEEKS. Thank you, sir.

Secretary Mayorkas, as you prepare to lift Title 42 restrictions, will you use DNA testing, as the last administration did——

Chairman THOMPSON. The gentlelady’s time has——

Ms. MILLER-MEEKS [continuing]. To ensure familial relationships between——

Chairman THOMPSON [continuing]. Expired.

Ms. MILLER-MEEKS [continuing]. Adults and children at the border?

Chairman THOMPSON. The gentlelady’s time has expired.

Secretary MAYORKAS. Mr. Chairman, may I have 15 seconds?

Chairman THOMPSON. The gentleman has 15 seconds.

Secretary MAYORKAS. Because the bounds of my consultation was that I provided data to the CDC with respect to the number of encounters, the number of individuals that our Border Patrol facility can house, how many people we were housing at a particular time, and data with respect to what we were experiencing at the border.

I am not a public health expert, nor did I provide public health advice.

Chairman THOMPSON. The Chair recognizes the gentlelady from New York, Ms. Clarke, for 2 minutes.

Ms. CLARKE. Thank you, Mr. Chairman, and I thank you, Secretary Mayorkas, for diligence and your commitment to our Nation.

Congress recently passed the Cyber Incident Reporting of Critical Infrastructure Act of 2021 as part of the fiscal year 2023 omnibus appropriations. The bill provides CISA with up to 3½ years to issue a final rule that would require certain critical infrastructure owners and operators to report covered cyber incidents to CISA.

First, how is DHS headquarters supporting CISA’s efforts to expeditiously implement the Cyber Incident Reporting legislation? Relatedly, how is the Department working with the regulators to harmonize requirements of incident reporting frameworks? Has the inter-agency council required under the law been formed yet?

Secretary MAYORKAS. Congresswoman, thank you so much.

That mandatory reporting piece of legislation is so vital to advancing our cybersecurity mission. We are engaging with the public. We are of course going to undertake notice of proposed rule-making and we already have started that process. We need to move very quickly. One of the critical issues with respect to the effectiveness of that legislation is going to be when does that 72-hour clock

begin to run. Because we don't want to experience false alarms nor unnecessarily burden private enterprises that are actually in the midst of addressing a cyber attack.

So our work has already begun to advance that critical piece of legislation.

Ms. CLARKE. I thank you for your response.

I have an additional question, but will get that to you in writing. I yield back, Mr. Chairman.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentlelady from Tennessee, Ms. Harshbarger, for 2 minutes.

Ms. HARSHBARGER. Thank you, Mr. Chairman. Thank you for being here, Mr. Secretary.

I just returned from the Southern Border with several of my colleagues and I am extremely concerned about the situation down there. According to DHS personnel on the front lines, where there have been physical barriers along the Southwest Border, there has been a significant decrease in drug and human smuggling as barriers serve as a deterrent and most importantly provide Border Patrol more time to interdict the illegal activity. Yet there is nothing in the budget request for border barrier construction.

Can you tell me how much DHS has paid out or will pay out due to the fees to cancel or stop the border wall contracts? That is just a yes or no question, sir.

Secretary MAYORKAS. I can with respect to the projects—

Ms. HARSHBARGER. OK. Can you—

Secretary MAYORKAS [continuing]. For which the Department itself is responsible.

Ms. HARSHBARGER. Can you send that to me since time is limited?

Secretary MAYORKAS. Yes.

Ms. HARSHBARGER. If you can do that, that would be great.

Do you know that there is, according to the CBP, there is generally 290 miles of border that is uncontrolled at any one point at any day—290 miles that is uncontrolled border?

Secretary MAYORKAS. Congresswoman, we use technology as a force multiplier to—

Ms. HARSHBARGER. Well, that is just a yes or no. Did you know that?

Secretary MAYORKAS. To gain visibility of parts of the border that do not have—

Ms. HARSHBARGER. That border goes from Atlanta to Maine, sir. That is almost the extent of the Appalachian Trail. At any given point on any day there is 280 miles that is uncontrolled. That is unacceptable.

I will tell you what is unacceptable and a public safety threat, and that is the seizure of 340,000 pounds of drugs, which 11,201 pounds are illicit illegal fentanyl, which 2 grains would kill any one person in here. That is a travesty, sir. Given the 6 months' notice on the removal of Title 42, don't you think that the drug cartels have just noticed to increase and change the strategy of the way they send illicit drugs across the border and human smuggling across the border?

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the gentleman from California for 2 minutes, Mr. Swalwell.

Mr. SWALWELL. Thank you. Welcome, Mr. Secretary.

You know, border politics are pretty easy, right. You can pander to grievances, scare Americans, demonize men and women who left everything behind, carrying nothing, going to a place they don't know. Make them the enemy, really fire Americans up. It is easy to demonize and weaponize that as an issue. It is a lot harder to solve it. It is a lot harder to fund opportunity and security in those countries and have right oversight on that. It is a lot harder to patrol the border and make sure that, you know, criminals and terrorists aren't coming across, it is a lot harder to have open arms and open hearts and open minds in America when they get here. That is hard.

In 2014 68 Republicans and Democrats in the Senate voted for a comprehensive immigration package that put 20,000 new border agents at the border. All it needed was to be voted on and passed in the House. Kevin McCarthy, the leader of the Republican Party, and his team never allowed it to come up for a vote. In effect, they defunded the police at the border.

What difference would it make if you had 20,000 more border agents at the border today?

Secretary MAYORKAS. That would advance our mission to secure the border, Congressman.

Mr. SWALWELL. No further questions.

Thank you.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from Georgia for 5 minutes, Mr. Clyde.

Mr. CLYDE. Secretary Mayorkas, would you agree with the statement that an agency's priorities are evidenced by where it spends its money?

Secretary MAYORKAS. Yes.

Mr. CLYDE. OK.

Secretary MAYORKAS. I just—

Mr. CLYDE. All right. Fine. Thank you.

Secretary MAYORKAS. To some extent if we get the money as we assess it to be—

Mr. CLYDE. Where you spend your money—that means you already have it.

OK. So looking at your budget here, looking at what I see, I am noticing Customs and Border Protection is down \$1.03 billion, a 7 percent decrease. I am also seeing that you are having an Immigration and Customs Enforcement request down \$400 million, a 5 percent decrease, cybersecurity down \$83 million, a 3 percent decrease. That is a total of \$1.5 billion in reduction. But where I see an increase is U.S. Citizenship and Immigration Service, a 55 percent increase over a quarter of a billion dollars—an increase.

So it appears to me that we are seeing the effect of your policies right here. It is called the border crisis—221,000 encounters in Marc of 2022, 28 percent increase from March 2021, a 542 percent increase from March 2020. This is the highest number of monthly encounters in the last 2 decades. Border security is National security correct, sir?

Secretary MAYORKAS. It is a—

Mr. CLYDE. It is? OK.

Secretary MAYORKAS. It is a part of—

Mr. CLYDE. Great. So this is your report card.

Secretary MAYORKAS [continuing]. National security.

Mr. CLYDE. This is your job review. We are seeing the effect of your priorities by a massive increase in the number of illegal encounters at the border. These priorities are not securing the border. These are focused on increasing illegal alien processing. That is what I see from your budget. Then for you tell our Ranking Member that you will not lose operational control of the border, you have lost it already, sir. Five hundred thousand gotaways last year alone and you say our border is secure. I disagree with you, sir.

I yield back.

Chairman THOMPSON. The time is expired.

The Chair recognizes the gentlelady from Nevada for 2 minutes, Ms. Titus.

Ms. TITUS. Thank you, Mr. Chairman.

I would like to go back to the point that was made by Mr. Langevin about election security. CISA provides a lot of services free to State and local governments so that they can use those services and resources to reduce both cyber and physical risk to our election systems. The election system has been designated as part of critical infrastructure, and yet if you look at the budget, that infrastructure research lacks funding from the science and technology directorate. I wonder if there are any plans or any funding opportunities through the Centers of Excellence program to allow the science and technology division to work with universities or other organizations so we can leverage what DHS does invest to try to be sure our election systems are safe and free from attack.

Secretary MAYORKAS. Congresswoman, we are integrating the work of science and technology in everything that we do. One of our organization priorities that I set out for the Department is to actually harness technology and innovation. The Office of Science and Technology has acceded the leadership table more than they ever have. We are indeed using their extraordinary expertise in varied mission sets, including in election security.

Ms. TITUS. Well, I hope you will reach out to some of our universities. I know UNLV has a major program in cyber technology, cyber protection, and I think they would be able to contribute maybe to some of our—some of your efforts here or some of the centers where they are focused on terrorism as well as on elections.

Secretary MAYORKAS. Most certainly, Congresswoman. We would be pleased to follow up with you in terms of the specifics of how we can most effectively do so.

Ms. TITUS. That would be great.

Thank you. I will pass that word on to UNLV.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you. The gentlelady's time is expired.

The Chair recognizes the gentleman from Florida, Mr. Gimenez for 2 minutes.

Mr. GIMENEZ. Thank you, Mr. Chairman.

Since I only have 2 minutes, I guess I will run through this.

I have been to the border three times and spoken to a number of Customs and Border Protection agents, and every single one of them has said in order for them to do their job, they needed that wall to be constructed, they needed the policies that were in place during the Trump administration to be reinstated, and they needed more people. Every single one of them, and I have been there three times.

So, Mr. Secretary, one of the first acts that President Biden was he stopped construction of the wall. One of the also first things that he did, he stopped the—he reversed all the Trump-era policies. Isn't it a fact that by doing that, you have actually—the Biden administration and your administration of the Biden administration's policies have actually contributed to this five-fold increase in the number of people that we have encountered at the borders since March 2020?

Secretary MAYORKAS. Congressman Gimenez, I would disagree with that. If one takes a look at the landscape across the region, one would understand—

Mr. GIMENEZ. Very good, you disagree. That is good, that is fantastic.

Secretary MAYORKAS [continuing]. That the challenges—

Mr. GIMENEZ. Excuse me, excuse me, you disagree. That is great. OK, I got it.

All right. I got two more questions.

How many people that are actually crossing the border are asking for asylum from Mexico?

Secretary MAYORKAS. I can provide that data. It will take me a minute. But if you would like, Congressman, I can—

Mr. GIMENEZ. Well, I can tell you that in 2020 it was 5 percent. Since only 5 percent of the people are asking asking for asylum from Mexico, wouldn't it be wiser just to return the rest of them back to Mexico and go back to Mexico and not relieve Mexico of its obligations to control its border and disincentivize other people from coming across our border? I think that that would be a logical step. Then so if that is the case, why is the administration fighting the return back to Mexico policy?

Secretary MAYORKAS. Oh, Congressman, individuals who do not qualify for relief under our laws are removed from the United States. Individuals who make those claims, make those claims in immigration enforcement proceedings. So individuals who do not have a basis to stay are in fact removed.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentlelady from New Jersey, Mrs. Watson Coleman, for 2 minutes.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. Thank you, Secretary Mayorkas.

I wanted to talk a little about the TSA proposal on your budget. I appreciate the increase that you are asking for. I recognize that it is to make these—support these positions and make them more viable in terms of the—how much they are paid, et cetera. I also know that you are in favor of expanding bargaining rights because they have had very limited access to determine their plight and fighting for their rights.

So my question to you is exactly what are you all proposing in terms of the expanding of the collective bargaining rights? No. 2, since we wouldn't want another administration to be able to turn over the good work that you are doing, would you be willing to support Mr. Thompson's bill, H. 903, which would codify some of these things that we find so necessary for the TSOs?

Secretary MAYORKAS. Thank you very much, Congresswoman.

I announced last year a commitment to the personnel of TSA to provide them with pay commensurate with their Federal colleagues throughout the Federal Government and also to provide them with collective bargaining rights. In the President's fiscal year 2023 budget we are seeking appropriations to fund both of those efforts. In fact, \$871 million to address the disparity in pay that is inequitable for our wonderful front-line personnel and approximately \$120 million to fund the collective bargaining rights so that they have the rights that so many others have.

Mrs. WATSON COLEMAN. Secretary, I tried to acknowledge that as a good thing. Could you just tell me yes or no if you would be able to support legislation that would codify these good things we want on behalf of those so deserving employees?

Secretary MAYORKAS. We would and we have been working with the Chairman's office in that regard.

Mrs. WATSON COLEMAN. Thank you.

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the gentlelady from Florida for 2 minutes, Mrs. Cammack.

Mrs. CAMMACK. All right. My time has been cut in half, so I will just jump right in.

Mr. Chairman, first I ask unanimous consent that this letter from the Republican Study Committee from 133 different Members be entered into the record.

Chairman THOMPSON. Without objection, so ordered.

[The information follows:]

FTR - Cammack #1

Congress of the United States  
Washington, DC 20510

April 25, 2022

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Mayorkas,

We write to address your actions to dismantle the security of our nation's southern border and disregard for the enforcement of U.S. immigration laws. Your actions have willingly endangered American citizens and undermined the rule of law and our nation's sovereignty. Your failure to secure the border and enforce the laws passed by Congress raises grave questions about your suitability for office.

Your expedited and repeated rejection of President Trump's successful Migrant Protection Protocols (MPP) (a.k.a., the "Remain in Mexico policy") demonstrates your willingness to embrace an open-borders agenda that undermines America's safety.

Despite pending litigation that ultimately resulted in a federal court requiring continued execution of MPP,<sup>1</sup> you issued a June 1, 2021 memorandum attempting to terminate the program. Even after the United States Supreme Court declined to reverse the lower court's decision,<sup>2</sup> you inexplicably issued *another* memo laying out plans to terminate the program.<sup>3</sup> Additionally, evidence shows that although you have, on paper, restarted MPP, you have not been administering the program in good faith, as required by the federal court order.<sup>4</sup>

Your attempts to unilaterally reverse policy in ways a federal court has repeatedly found in violation of the Administrative Procedures Act, as well as 8 U.S.C. §1225, shows a willful disregard for the law and the principles of separation of powers. You have been specifically instructed by the court to implement the protocol in good faith or take new agency action that complied with the law. You have done neither.

<sup>1</sup> *Federal Judge's Ruling on Remain-in-Mexico Policy*, SCRIBD, <https://www.scribd.com/document/520115982/Federal-judge-s-ruling-on-Remain-in-Mexico> (last visited Mar. 18, 2022).

<sup>2</sup> U.S. Supreme Court, Order in Pending Case, Biden, President of U.S., Et Al. V. Texas, Et Al. Aug. 24, 2021, [https://www.supremecourt.gov/orders/courtorders/082421zc\\_2d9g.pdf](https://www.supremecourt.gov/orders/courtorders/082421zc_2d9g.pdf).

<sup>3</sup> Memorandum from Secretary Alejandro Mayorkas, Termination of the Migrant Protection Protocols (Oct. 29, 2021), [https://www.dhs.gov/sites/default/files/publications/21\\_1029\\_mpp-termination-memo.pdf](https://www.dhs.gov/sites/default/files/publications/21_1029_mpp-termination-memo.pdf).

<sup>4</sup> Andrew Arthur, *'Remain in Mexico' Update - and Support for MPP from an Unlikely Source*, CENTER FOR IMMIGRATION STUDIES (Jan. 6, 2022), <https://cis.org/Arthur/Remain-Mexico-Update-and-Support-MPP-Unlikely-Source>.

This callous disregard for the judiciary and willful refusal to properly apply the law raises questions about your commitment to protecting the homeland. Indeed, the Fifth Circuit has stated that your approach is as "unlawful as it is illogical."<sup>5</sup>

Additionally, despite an ongoing, unprecedented border crisis, you have willfully ignored laws passed by Congress requiring construction of physical barriers along the southern border. Rather than faithfully executing the law, you instead unilaterally terminated existing contracts for the construction of border barriers. In fiscal year 2021, U.S. Customs and Border Protection (CBP) recorded nearly 2 million illegal aliens trying to cross the southern border into the United States.<sup>6</sup> These numbers included individuals whose names appeared on the terrorist watchlist, and individuals from adversarial nations, such as Russia and China. Not only have your actions compromised the security of our nation and endangered American citizens, but they have also wasted billions in taxpayer dollars.<sup>7</sup> Congress has authorized and appropriated funds to secure the southern border; it is not within your power to simply decide the power of the purse now belongs to the Secretary of Homeland Security.

The historic crisis at our southern border is set to worsen greatly due to the announced rescission of Title 42, which will bring a tidal wave of illegal immigrants across our southern border and overwhelm the already overworked and understaffed agents of the U.S. Border Patrol. The well-resourced cartels, gang members, human traffickers, and drug smugglers will exploit this crisis to further endanger American citizens.

We call on you to immediately take all legal and necessary actions at your disposal - of which there are many - to secure the southern border, rectify the dangerous policies this administration has put in motion over the past year, and bring your agency into compliance with the laws passed by the United States Congress. To that end, please provide an explanation to the following questions within the next 30 days:

1. Do you agree that section 235 (b)(1) and 235 (b)(2) of the Immigration and Nationality Act mandates that inadmissible aliens shall be detained, including those who have entered illegally?
  - a. If you believe you can release them, under what authorities are you releasing those individuals?

<sup>5</sup> State of Texas v. Biden, Docket No. 21-10806 (5<sup>th</sup> Cir. Aug. 16, 2021)

<sup>6</sup> *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited Mar. 18, 2022).

<sup>7</sup> STAFF OF S. SUBCOMM. ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT, COMM. ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, 117<sup>th</sup> CONG., REP. TITLED PRESIDENT BIDEN IS WASTING BILLIONS BY NOT BUILDING THE BORDER WALL,

[https://www.hsgac.senate.gov/imo/media/doc/GOBM%20Interim%20Report%20on%20Wall\\_Final.pdf](https://www.hsgac.senate.gov/imo/media/doc/GOBM%20Interim%20Report%20on%20Wall_Final.pdf).

2. Section (2)(a) of the Secure Fence Act of 2006 requires you to "achieve and maintain operational control" over the southern border. Operational control is defined as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband." Please provide details on how the Department is in compliance with Section (2)(a) of the Secure Fence Act of 2006.
3. How much has it cost the Department of Homeland Security to cancel, pause, or otherwise halt construction of physical barriers along the southern border authorized and appropriated by law?

We look forward to hearing detailed, prompt answers to these questions. Ultimately, you have a constitutional obligation to use all means available to protect our nation's borders. Current law requires you to maintain operational control of the southern border and detain illegal aliens. You continue to fail to do so. This raises significant questions about your commitment to securing our Homeland and the oath you took when taking office.

Sincerely,



Brian Babin, D.D.S.  
Co-Chairman, House Border Security Caucus



Jim Banks  
Chairman, Republican Study Committee



Kevin McCarthy  
Republican Leader



Steve Scalise  
Republican Whip



Elise M. Stefanik  
Member of Congress



Mike Johnson  
Member of Congress



Lance Gooden  
Member of Congress



Bob Gibbs  
Member of Congress



Fred Keller  
Member of Congress



Sam Graves  
Member of Congress



William R. Timmons, IV  
Member of Congress



Jeff Duncan  
Member of Congress



Dan Bishop  
Member of Congress



French Hill  
Member of Congress



Vicky Hartzler  
Member of Congress



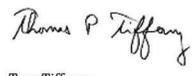
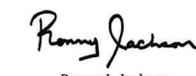
Earl L. "Buddy" Carter  
Member of Congress



Bob Good  
Member of Congress

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| Blake Moore<br>Member of Congress   | John Rose<br>Member of Congress   | Ron Estes<br>Member of Congress  |

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| Joe Wilson<br>Member of Congress  | Debbie Lesko<br>Member of Congress  | Warren Davidson<br>Member of Congress  |

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| Tom Tiffany<br>Member of Congress  | Ralph Norman<br>Member of Congress   | Ronny L. Jackson<br>Member of Congress  |

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|  |  |  |
| Steven M. Palazzo<br>Member of Congress   | Victoria Spartz<br>Member of Congress   | August Pfluger<br>Member of Congress   |



Robert J. Wittman  
Member of Congress



Kat Cammack  
Member of Congress



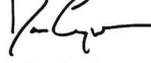
Michael C. Burgess, M.D.  
Member of Congress



Ted Budd  
Member of Congress



Gregory F. Murphy, M.D.  
Member of Congress



Dan Crenshaw  
Member of Congress



Pete Sessions  
Member of Congress



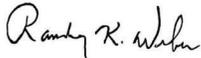
David B. McKinley, P.E.  
Member of Congress



Louie Gohmert  
Member of Congress



W. Gregory Steube  
Member of Congress



Randy K. Weber  
Member of Congress



Jodey C. Arrington  
Member of Congress



Alex X. Mooney  
Member of Congress



Ken Buck  
Member of Congress



Tracey Mann  
Member of Congress



Darrell Issa  
Member of Congress



Mark E. Green, M.D.  
Member of Congress



Andrew R. Garbarino  
Member of Congress



Mary E. Miller  
Member of Congress



Kevin Hern  
Member of Congress



Jake LaTurner  
Member of Congress



Doug Lamborn  
Member of Congress



Yvette Herrell  
Member of Congress



Roger Williams  
Member of Congress



Tom McClintock  
Member of Congress



Guy Reschenthaler  
Member of Congress



Rick W. Allen  
Member of Congress



Rodney Davis  
Member of Congress



Barry Moore  
Member of Congress



Richard Hudson  
Member of Congress



Glenn Grothman  
Member of Congress



Brad R. Wenstrup, D.P.M.  
Member of Congress



Ben Cline  
Member of Congress



Hal Rogers  
Member of Congress



Larry Bucshon, M.D.  
Member of Congress



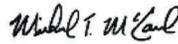
Dusty Johnson  
Member of Congress



Cliff Bentz  
Member of Congress



Pat Fallon  
Member of Congress



Michael T. McCaul  
Member of Congress



Chuck Fleischmann  
Member of Congress



Beth Van Duyne  
Member of Congress



Bill Posey  
Member of Congress



Vern Buchanan  
Member of Congress



Burgess Owens  
Member of Congress



Lisa McClain  
Member of Congress



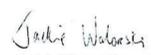
Steve Chabot  
Member of Congress



Chip Roy  
Member of Congress



David Rouzer  
Member of Congress

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| <br>Diana Harshbarger<br>Member of Congress | <br>Robert E. Latta<br>Member of Congress | <br>Jackie Walorski<br>Member of Congress |
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| <br>Brian Mast<br>Member of Congress | <br>Scott Franklin<br>Member of Congress | <br>Adrian Smith<br>Member of Congress |
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| <br>Bruce Westerman<br>Member of Congress | <br>Mike Garcia<br>Member of Congress | <br>Jake Ellzey<br>Member of Congress |
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| <br>Darin LaHood<br>Member of Congress | <br>Jack Bergman<br>Member of Congress | <br>John R. Carter<br>Member of Congress |
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*Dan Newhouse* *Bill Johnson* *Austin Scott*

Dan Newhouse  
Member of Congress

Bill Johnson  
Member of Congress

Austin Scott  
Member of Congress

*Claudia Tenney* *Bill Huizenga* *Michael Waltz*

Claudia Tenney  
Member of Congress

Bill Huizenga  
Member of Congress

Michael Waltz  
Member of Congress

*John Joyce* *Cathy McMorris Rodgers* *Dan Meuser*

John Joyce  
Member of Congress

Cathy McMorris Rodgers  
Member of Congress

Dan Meuser  
Member of Congress

*Clay Higgins* *Jody Hice* *Garret Graves*

Clay Higgins  
Member of Congress

Jody Hice  
Member of Congress

Garret Graves  
Member of Congress



Tony Gonzales  
Member of Congress



Mike Carey  
Member of Congress



John Moolenaar  
Member of Congress



Mariannette Miller-Meeks, M.D.  
Member of Congress



Michael Cloud  
Member of Congress



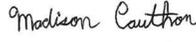
Michael Guest  
Member of Congress



Scott Fitzgerald  
Member of Congress



Gus Bilirakis  
Member of Congress



Madison Cawthorn  
Member of Congress



Ann Wagner  
Member of Congress



Jerry L. Carl  
Member of Congress



Troy Balderson  
Member of Congress



Tim Burchett  
Member of Congress



Randy Feenstra  
Member of Congress



Ashley Hinson  
Member of Congress



Julia Letlow  
Member of Congress



Barry Loudermilk  
Member of Congress



Mike Bost  
Member of Congress



Tim Walberg  
Member of Congress



John Curtis  
Member of Congress



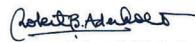
Jim Jordan  
Member of Congress



Nicole Malliotakis  
Member of Congress



Eric A. "Rick" Crawford  
Member of Congress



Robert B. Aderholt  
Member of Congress

  
Mo Brooks  
Member of Congress

  
Steve Womack  
Member of Congress

  
Carlos A. Gimenez  
Member of Congress

  
Mike Kelly  
Member of Congress

  
Mike Simpson  
Member of Congress

  
Russ Fulcher  
Member of Congress

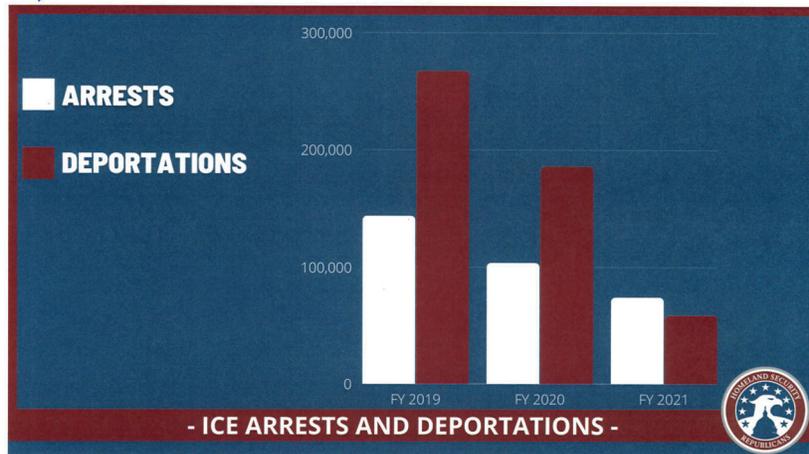
  
Matt Gaetz  
Member of Congress

  
Tom Emmer  
Member of Congress

Mrs. CAMMACK. Thank you.  
Secretary Mayorkas, we ask for a response to the questions posed in this letter within the next 30 days.  
Yes or no, will you commit to giving us an answer within 30 days?  
Secretary MAYORKAS. Yes, I will.  
Mrs. CAMMACK. Thank you.  
Secretary Mayorkas, according to a 2021 ICE report, there was a significant drop in the number of arrests and deportations of illegal immigrants by ICE officers compared to previous years. You can see from this graphic behind me that—Mr. Chairman—and I

want to ask that we through unanimous consent enter this into the record as well.

Chairman THOMPSON. Without objection, so ordered.  
[The information follows:]



Mrs. CAMMACK. Thank you.

So you can see clearly that there is a clear discrepancy. Secretary Mayorkas, do you believe in following the laws of the United States, yes or no?

Secretary MAYORKAS. So I can't see the chart, but of course I do, Congresswoman.

Mrs. CAMMACK. OK. So do you believe that if an individual or a group of individuals breaks the laws of the United States that they should be arrested, yes or no?

Secretary MAYORKAS. I do.

Mrs. CAMMACK. So if an individual is found to have crossed the border illegally, do you believe that the United States should exercise its right to arrest and deport that individual, yes or no?

Secretary MAYORKAS. I do, but not at the expense of an—

Mrs. CAMMACK. All right, I am going to reclaim my time—

Secretary MAYORKAS [continuing]. Individual that—

Mrs. CAMMACK [continuing]. Because it has been cut in half.

Secretary MAYORKAS [continuing]. Creates a greater public—

Mrs. CAMMACK. Also I would like to unanimous to enter into the record a response, a formal response from the National Border Patrol Council to your six-pillar plan in which I quote, "you lie". This is from your Border Patrol agents.

Secretary MAYORKAS. So, Congresswoman—

Chairman THOMPSON. Without objection, so ordered.

[The information follows:]

FTP - Cammack #3

**National Border Patrol Council Response to "DHS Plan for Southwest Border Security and Preparedness"**

On Tuesday April 26<sup>th</sup>, Secretary Alejandro N. Mayorkas released a 20 page memo titled "DHS Plan for Southwest Border Security and Preparedness" that outlines a six pillar strategy to deal with rising migrant arrivals. Below is an outline of each pillar and the National Border Patrol Council's response:

| DHS Pillar  | National Border Patrol Council Response  |
|---|--|
| <p><b>Pillar 1: We are surging resources, including personnel, transportation, medical support, and facilities to support border operations.</b></p> <ul style="list-style-type: none"> <li>- U.S. Customs and Border Protection (CBP) currently has 23,000 Agents and Officers working along the Southwest Border, which includes a recent increase of 600 personnel and support of law enforcement officers and agents from other government agencies. Additionally, approximately 500 Agents have been returned to the vital border security mission as a result of increased civilian processing personnel to perform those functions, as well as processing efficiency. By May 23, we will be prepared to hold approximately 18,000 noncitizens in CBP custody at any given time, up from 13,000 at the beginning of 2021, and we have doubled our ability to transport noncitizens on a daily basis, with flexibility to increase further. In order to safeguard public health and the safety of our workforce, noncitizens, and border communities, our efforts also include medical support and COVID-19 mitigation protocols, including testing and administering age-appropriate COVID-19 vaccines in 24 CBP sites by May 23, building on our existing vaccination program for those in Immigration and Customs Enforcement (ICE) custody.</li> </ul> | <p>It is not true that bringing in approximately 500 processing coordinators has resulted in 500 agents being returned to the field. <b>Either the secretary is lying or someone is lying to him.</b> All the processing coordinators have done is give us an extra pair of hands in processing, but there has been no one-to-one movement with an agent going to the field. In fact, the way they are implementing the processing coordinators, it requires every BPPC outside of a station carrying a gun to be under the supervision of an agent, in other words; outside of a station like for transport or hospital watch they're just doubling up personnel which means we're not freeing up agents.</p> <p>Also, CBP should not be responsible for holding 18,000 people in custody. Why isn't ICE doing that? Our mission is protecting the border, not being jail guards.</p> |
| <p><b>Pillar 2: We are increasing CBP processing efficiency and moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations and to alleviate the burden on the surrounding border communities.</b></p> <ul style="list-style-type: none"> <li>- This includes launching three new initiatives, which will support these decompression efforts, while ensuring the continued integrity of our security screening processes: Enhanced Central Processing Centers; en route processing; and streamlined processing. CBP is also working to increase processing efficiency at Ports of Entry (POEs) to further facilitate safe and orderly inspection of noncitizens.</li> </ul>  | <p>If we are already far above our capacity, how can they pretend that there might be "potential" overcrowding down the line? It's going to happen, and no amount of increased "processing efficiency" or "deliberate speed" will help.</p> <p>The ports of entry have avoided helping Border Patrol as if their lives depend upon it. Customs officers should be dealing with the asylum requests, not BP agents.</p>   |
| <p><b>Pillar 3: We are administering consequences for unlawful entry, including removal, detention, and prosecution.</b></p> <ul style="list-style-type: none"> <li>- Core to this plan is our commitment to continue to strictly enforce our immigration laws. This includes increased use of Expedited</li> </ul>   | <p>Expedited Removal is not a consequence if ICE just ends up releasing them anyway after they request asylum. There is a reason we largely stopped doing ER's under the Obama</p>   |

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| <p>Removal, detaining single adults when appropriate, referring for prosecution those whose conduct warrants it, and accelerating asylum adjudications that enable us to more quickly process and remove from the United States those who do not qualify for relief under our laws.</p>   | <p>Administration. The smugglers figured out that if a person claimed a fear, the ER order would be canceled and a NTA would be issued. Everyone started claiming they had a fear of returning to their country. Mayorkas knows this, but he also recognizes the vast majority of the American public does not and he knows the mainstream media isn't going to cover it in an honest manner. The media will largely take this point at face value without looking into its actual effectiveness.</p> <p>We don't even have jail space in some sectors, so we won't be able to prosecute people in any meaningful numbers. And the qualifier of "those who do not qualify for relief under our laws" doesn't mean anything when they choose to grant relief to everybody who simply asks for it.</p> |
| <p><b>Pillar 4: We are bolstering the capacity of non-governmental organizations (NGOs) to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration removal proceedings. And, we are ensuring appropriate coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities.</b></p> <ul style="list-style-type: none"> <li>- Our goal is to help communities alleviate the pressures they experience by expanding NGO capacity, through communication and coordination with all relevant partners, and other assistance such as the Emergency Food and Shelter Program (EFSP), a Federal Emergency Management Agency (FEMA) grant program that supplements and expands ongoing work of local NGOs to meet the needs of local agencies.</li> </ul> | <p>Great.</p>  |
| <p><b>Pillar 5: We are targeting and disrupting the transnational criminal organizations (TCOs) and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic drugs into our country.</b></p> <ul style="list-style-type: none"> <li>- In April 2022, DHS and other federal agencies intensified our disruption efforts, marshalling the largest surge of resources and disruptive activities against human smuggling networks in recent memory. The immediate result has been over 2,500 arrests, investigations, and disruptions of smuggling infrastructure, such as buses and safe houses. The federal government has also established a new intelligence unit to coordinate and strengthen the capability for early warning of migrant movements.</li> </ul>  | <p>This is fine, but it doesn't actually address the largest group of people, who are the asylum seekers. They will continue to cross in unprecedented numbers.</p>  |
| <p><b>Pillar 6: We are deterring irregular migration south of our border, in partnership with the Department of State (DOS), other federal agencies, and nations throughout the Western Hemisphere, to ensure that we are sharing the responsibility throughout the region.</b></p>   | <p>Sure, they have signed agreements with Panama and Costa Rica, but that doesn't matter when we just opened up the floodgates for the Northern Triangle countries via Expedited Removal. Although, it seems</p>   |

|   |   |
|---|---|
| <p>- In the past two months, we have signed new migration agreements with Costa Rica and Panama and continue close cooperation with Mexico. We are also sending a clear message in the region to counteract misinformation from smugglers, including that the termination of the Title 42 public health Order does not mean that the U.S. border is open. As we execute this work, our objective continues to be the safe, orderly, and humane processing of noncitizens, consistent with our laws, while protecting national security and public safety. Across all of our work in this space, we are ensuring we can uphold our laws and our values in treating noncitizens in a humane way, as we did last year when we rapidly addressed the acute needs of unaccompanied children at the Southwest Border.</p> | <p>that if you are a family unit from the Northern Triangle, you are not amenable to an ER and will be expelled. If you are a single adult, you will get ER'd, turned over to ICE, and then likely released as soon as ICE is able. Meanwhile, families will likely start sending their kids across unaccompanied, the parents will cross separately, and then they will reunite on the other side.</p> |
|---|---|

Secretary MAYORKAS. Congresswoman, if I could——

Chairman THOMPSON. You were not here, but calling anybody a liar is not——

Mr. KATKO. Mr. Chairman——

Mrs. CAMMACK. It was a——

Mr. KATKO. Mr. Chairman——

Mrs. CAMMACK. Mr. Chairman, this is a quote from the Border Patrol Council.

Chairman THOMPSON. Oh, OK.

Secretary MAYORKAS. So, Congresswoman, if I could address your point of arrests.

Mrs. CAMMACK. Mr. Secretary.

Secretary MAYORKAS. Yes.

Mrs. CAMMACK. I apologize, I have to reclaim my time. I know in the past, in the last three encounters you and I have had, you have called me rude and disrespectful. I won't do the same to you, but I do want to get to the bottom of something very, very important.

FEMA has allocated and appropriated \$130 million for the Emergency Food and Shelter program. That money has been spent on illegals in housing and transporting them around the United States.

Chairman THOMPSON. The gentlelady's time—

Mrs. CAMMACK. I would request a full audit. Can you commit to that, yes or no?

Chairman THOMPSON. The gentleman can answer. The Secretary can answer the first.

Secretary MAYORKAS. I am sorry?

Chairman THOMPSON. Answer the question.

Secretary MAYORKAS. Ma'am, I am—would be—Congresswoman, I would be very pleased to conduct an audit of the manner in which those funds have been spent. They have been spent according to the statutory authorities.

Mrs. CAMMACK. Thank you. I have asked three times, so maybe the fourth time is the charm.

Thank you. Mr. Chairman, I yield back.

Chairman THOMPSON. The Chair recognizes the gentlelady from New York for 2 minutes, Ms. Rice.

The Chair recognizes the gentlelady from Florida, Mrs. Demings, for 2 minutes.

Mrs. DEMINGS. Thank you, Mr. Chairman.

Secretary Mayorkas, thank you for showing up, because we haven't always seen that.

Look, we all want to keep dangerous people out of the United States, but the bottom line is our system is broken. It has been broken for a while. I really do believe that we could fix it if we could get politics out of our way. So I am going to transition from the border with the limited time that I have.

I associate myself with the remarks of Ms. Slotkin, because she is absolutely correct and spot on there. But, Secretary, could you tell us a little bit about the future of UASI program as it pertains to law enforcement agencies specifically?

Secretary MAYORKAS. Thank you, Congresswoman.

So the Urban Area Security Initiative grant program is a fundamentally important way to re-source State and local law enforcement to address the National security priority areas and other homeland security threats that local communities face. So it is a way of equipping and resourcing local law enforcement.

Mrs. DEMINGS. We have seen reductions to that program though, so I would like you to just talk about the future of it. Where we are going, because they are, as you well know, the first line of defense in all of our communities.

Secretary MAYORKAS. They most certainly are. Thank you for your service in that regard—

Mrs. DEMINGS. Thank you.

Secretary MAYORKAS [continuing]. Congresswoman. So we have been engaging extensively with local law enforcement to make sure that the UASI grant program really meets the urgency of the moment and serves local law enforcement most adeptly to give them greater latitude with respect to how they spend their funds, to increase the amount of funds dedicated to terrorism prevention activities that are conducted by local law enforcement. So we are looking at the UASI grant program driving efficiency and effectiveness of it.

Mrs. DEMINGS. You know, many cities fall off of the list with absolutely no notice. Could you talk a little bit about better planning to prevent that or at least telegraph to them that they will no longer receive the funding?

Secretary MAYORKAS. So it is a very challenging issue, Congresswoman, because the money is year to year and it doesn't really institutionalize stability of spending and predictability of funding to really invest in law enforcement. But we are working in those parameters, the parameters of the program now—

Chairman THOMPSON. The gentlelady's time has expired.

Secretary MAYORKAS [continuing]. To try to make the most of that grant program.

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the gentleman—

Mrs. DEMINGS. Thank you.

Chairman THOMPSON [continuing]. From Kansas, Mr. LaTurner, for 2 minutes.

Mr. LATURNER. Thank you, Mr. Chairman. I appreciate it.

Secretary Mayorkas, thank you for being here today. The fiscal year 2023 DHS budget for ICE includes a significant increase for the Alternatives to Detention program, which will accommodate 170,000 participants. Do you really believe that mass releasing those who illegally cross our borders does not send the wrong message to human smugglers, cartels, and migrants? Isn't this yet another message by this administration that the United States will not enforce our immigration laws?

Secretary MAYORKAS. No, that is not the message at all. The individuals are in immigration enforcement proceedings and if their claims for relief under the laws of the United States are not successful, they are subject to removal. The appearance rate of individuals on our Alternatives to Detention program have in fact increased.

I should, if I may, respond to the Congresswoman's point, because individuals who have entered in between the ports of entry, who make a claim for relief under our laws, under the asylum laws that Congress has passed, have a right to actually vindicate those claims in an immigration court. While the number of arrests might have diminished, the number of serious felons that have been arrested have increased. We have exercised our prosecutorial discretion to focus on the greatest public safety threats, realizing that we do not have the resources, nor should we seek to remove 12 million undocumented individuals in the United States, many of whom have been contributing members of our country.

Mr. LATURNER. Secretary, the message that this administration has sent time and again is that our borders are wide open. The

Border Patrol needs support from you that they are not getting right now. This program, without question, is another message that the borders are wide open, come on in, and this is after the issues with Title 42.

Secretary MAYORKAS. Congressman, I respectfully disagree with you. Our message has been clear that the border is in fact not open. Those who enter illegally who do not have a valid claim to remain in the United States are removed.

Mr. LATURNER. Mr. Secretary, as you know—

Secretary MAYORKAS. Are removed.

Mr. LATURNER. As you know, you set a record last year and you are going to do it again this year, and that is because of your failed leadership—

Chairman THOMPSON. The gentleman's time—

Mr. LATURNER [continuing]. Leadership on this issue.

Chairman THOMPSON. The gentleman's time has—

Mr. LATURNER. Mr. Chairman, I yield back.

Chairman THOMPSON. The Chair recognizes the gentlelady from California for 2 minutes.

Ms. BARRAGÁN. Thank you.

Mr. Secretary, can you help clarify where did our drugs come in from?

Secretary MAYORKAS. The drugs are coming in from different countries of origin. They are coming in through the Southern Border or the people try to bring them in through the Southern Border and the majority are sought to be transported illegally through the ports of entry.

Ms. BARRAGÁN. Thank you.

Secretary MAYORKAS. Which is why we have used non-intrusive technology, forward operating laboratories, to increase our success in interdicting illegal substances and the data reflects our success with an increase in those interdictions.

Ms. BARRAGÁN. Thank you, Mr. Secretary.

Fentanyl seizures increased to the numbers we are seeing now under the Trump administration. So for those of us who want to talk straight to the American people, no mention of that. But the numbers were in fact the highest on month per month under the Trump administration in October 2020.

Mr. Secretary, we have heard allegations of people being liars and so on and so forth. Unfortunately, Members can also say things that are inaccurate and lies as well. So let us try to clean some of them up right now.

Is the border open? Is the border wide open?

Secretary MAYORKAS. The border is not open.

Ms. BARRAGÁN. Will the border be open and wide open when Title 42 is lifted?

Secretary MAYORKAS. It will not be. We are planning, as I articulated publicly yesterday, since September 2021, to prepared for the eventuality that Title 42 would no longer be in place under the CDC's authority.

Ms. BARRAGÁN. Thank you.

There has been a lot of talk about what failure at the border looks like. Let me tell you what I think failure at the border looks like. Failure at the border looks like when kids were dying under

the prior administration, failure looks like when kids and women and children are being raped because of this inhumane process of policy, of Remain in Mexico, that you all think is perfectly fine, that the other side of the aisle thinks is perfectly fine. OK. So we want to—Mr. Chairman, they—the—my colleagues said Remain in Mexico, no problem with the policy—

Mr. KATKO. Chairman, I am going to object because she is directing her discussion directly to other Members. I think that is inappropriate.

Ms. BARRAGÁN. Just because I am looking at you. You all said it. Just because I am looking at you, doesn't mean it is inappropriate.

Chairman THOMPSON. The gentlelady's time has expired.

Ms. BARRAGÁN. I yield back.

Chairman THOMPSON. The Chair recognizes the gentleman from Michigan, Mr. Meijer, for 2 minutes.

Mr. MEIJER. Thank you, Mr. Chairman.

Mr. Secretary, in February of this year I introduced a resolution of inquiry with the support of 39 of my Republican colleagues requesting all documentation in DHS's possession regarding border policies be transmitted to Congress. I did this because in the midst of this crisis we have not seen transparency with the American people or Congress about the situation at the border, about the policies, about how things have changed. My colleague, Mrs. Cammack, referenced some of the behind closed door meetings that—you know, the contents of which have come out—in which we are hearing a very different message. I think it is vital, and I am sure you would agree as well, that we get on the same page and have a sense of that transparency because with respect to some of the others who have offered comments, there is no doubt that we are facing an unprecedented crisis on our Southwest Border. The number of encounters alone is staggering and we need DHS to help uphold our Nation's laws, we need DHS to support our front-line law enforcement personnel.

So, Mr. Chairman, I would like to submit the Resolution in question for the record and I do hope my Majority colleagues will allow us to mark up this vital tool and give the American citizens a complete understanding of just how this administration has handled the crisis at the border. But, Mr.—

Chairman THOMPSON. Are you submitting something for—

Mr. MEIJER. Yes, Mr. Chairman.

Chairman THOMPSON. Without objection, so ordered.

[The information follows:]



117TH CONGRESS  
2D SESSION

## H. RES. 928

Requesting the President, and directing the Secretary of Homeland Security, to transmit to the House of Representatives copies of all documents in their possession referring or relating to certain aspects of border policies of the United States.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2022

Mr. MELJER (for himself, Mr. KATKO, Mr. GUEST, Mr. NORMAN, Mrs. CAMLACK, Mrs. MILLER-MEEKS, Mr. GIMENEZ, Mr. VAN DREW, Mr. NEWHOUSE, Mrs. WAGNER, Ms. SALAZAR, Mr. JACOBS of New York, Mr. BERGMAN, Mr. EMMER, Mr. GARBARINO, Mr. RODNEY DAVIS of Illinois, Ms. STEFANIK, Mr. HIGGINS of Louisiana, Ms. MACE, Mr. GALLAGHER, Mr. CAWTHORN, Mr. BURGESS, Mr. BISHOP of North Carolina, Mr. MCKINLEY, Mr. McCAUL, Ms. MALLIOTAKIS, Ms. LETLOW, Mr. JOYCE of Ohio, Mr. WEBER of Texas, and Mrs. HARSHBARGER) submitted the following resolution; which was referred to the Committee on Homeland Security

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## RESOLUTION

Requesting the President, and directing the Secretary of Homeland Security, to transmit to the House of Representatives copies of all documents in their possession referring or relating to certain aspects of border policies of the United States.

1       *Resolved*, That the House of Representatives requests  
2 the President, and directs the Secretary of Homeland Se-  
3 curity, to transmit to the House of Representatives, not

1 later than 14 days after the date of the adoption of this  
2 resolution, copies of all documents, memoranda, analytical  
3 products, advisory legal opinions, notes, reports, briefing  
4 materials, intelligence assessments, audio recordings,  
5 records (including telephone and electronic mail records),  
6 correspondence, communications, and other materials,  
7 both classified and unclassified, in the possession of the  
8 President or the Secretary, respectively, as of the date of  
9 adoption of this resolution that refer or relate to—

10           (1) Department of Homeland Security policies  
11 implemented and data collected regarding individ-  
12 uals who, from January 20, 2021, until such date of  
13 adoption, have arrived at the southwest border of  
14 the United States with the intent to enter the  
15 United States, including—

16           (A) the total number of encounters re-  
17 ported by U.S. Customs and Border Protection  
18 (CBP) personnel, on a monthly basis;

19           (B) the total number of such encounters  
20 reported by CBP personnel, on a monthly basis,  
21 of individuals—

22           (i) who had previously been encoun-  
23 tered attempting to cross the southwest  
24 border;

- 1 (ii) attempting to cross the Southwest
- 2 border as part of a family unit;
- 3 (iii) who are single adult males at-
- 4 tempting to cross the southwest border;
- 5 (iv) who are single adult females at-
- 6 tempting to cross the southwest border;
- 7 (v) who are unaccompanied minor
- 8 children attempting to cross the southwest
- 9 border; and
- 10 (vi) admitted into the United States
- 11 after processing by CBP;
- 12 (C) the total number of such individuals
- 13 who have reported to U.S. Immigration and
- 14 Customs Enforcement (ICE) after previously
- 15 being admitted into the United States after
- 16 such processing;
- 17 (D) the total number of unaccompanied
- 18 minor children admitted into the United States
- 19 after such processing and transferred to the
- 20 custody of the Department of Health and
- 21 Human Services;
- 22 (E) the total number of individuals en-
- 23 countered by CBP personnel and denied admis-
- 24 sion to the United States;

1 (F) potential explanations for changes in  
2 the number of encounters described in subpara-  
3 graph (B) from previous years;

4 (G) estimates of how many individuals  
5 were able to cross the border into the United  
6 States without being encountered by CBP per-  
7 sonnel, on a monthly basis;

8 (H) any analysis done prior to January 20,  
9 2021, regarding the potential consequences of  
10 reversing or suspending immigration policies  
11 implemented under the previous presidential ad-  
12 ministration;

13 (I) reimplementation of the Migrant Pro-  
14 tection Protocols described in the Department  
15 of Homeland Security memorandum entitled  
16 “Policy Guidance for Implementation of the Mi-  
17 grant Protection Protocols”, dated January 25,  
18 2019;

19 (J) guidance relating to the documentation  
20 required and accepted as valid identification for  
21 migrants traveling within the United States, in-  
22 cluding Transportation Security Administration  
23 policies regarding valid identification docu-  
24 mentation required for migrants to pass  
25 through airport security checkpoints;

1 (K) the use of authority under section 362  
2 of the Public Health Service Act (42 U.S.C.  
3 265; commonly and popularly referred to as  
4 “title 42 authority”) to prevent the spread of  
5 communicable diseases to suspend persons and  
6 property from the United States;

7 (L) processes, procedures, and guidance  
8 relating to COVID–19 for individuals encoun-  
9 tered along the southwest border, including re-  
10 quirements related to testing, quarantine peri-  
11 ods, and vaccinations; and

12 (M) deployment and use of new and exist-  
13 ing technology, including surveillance towers,  
14 ground sensors, cargo scanning equipment, and  
15 drones, on the southwest border to support De-  
16 partment of Homeland Security operations;

17 (2) the total amounts of illicit narcotics, includ-  
18 ing fentanyl, seized by CBP, and any internal docu-  
19 mentation related to potential explanations for  
20 changes in seizure amounts from previous years;

21 (3) the treatment of unaccompanied minor chil-  
22 dren who, from January 20, 2021, until such date  
23 of adoption, have been encountered crossing the  
24 southwest border, including—

1 (A) information regarding processes, proce-  
2 dures, and guidance relating to such encoun-  
3 ters;

4 (B) the Department's current screening  
5 and vetting procedures to determine a migrant's  
6 age as well as if a migrant is an unaccompanied  
7 child prior to transfer to the Department of  
8 Health and Human Services, including—

9 (i) instances in the past three cal-  
10 endar years in which an adult migrant pos-  
11 ing as an unaccompanied minor child  
12 was—

13 (I) encountered at the southwest  
14 border; or

15 (II) detected residing in the  
16 United States; and

17 (ii) the Department's response to in-  
18 stances in which migrant adults posing as  
19 undocumented migrant children commit  
20 acts of violence or other crimes;

21 (C) information regarding transportation  
22 of unaccompanied minor children aboard United  
23 States Government-chartered and commercial  
24 flights departing from locations near or on the

1 southwest border and flying to locations in the  
2 United States; and

3 (D) information regarding such flights ar-  
4 riving at Westchester County Airport;

5 (4) any activity within the Department to track  
6 transnational criminal organizations that have en-  
7 gaged in human trafficking along the southwest bor-  
8 der of the United States, including—

9 (A) any discussions, assessments, or pro-  
10 fessional opinions regarding the extent to which  
11 such transnational criminal organizations have  
12 profited from such human trafficking;

13 (B) any intelligence assessments, products,  
14 or activities of the Department regarding the  
15 regional activities of transnational criminal or-  
16 ganizations in Central and South America, in-  
17 cluding the role of such organizations in facili-  
18 tating the formation and movement of large  
19 groups of migrants traveling together to the  
20 southwest border;

21 (C) incidents in which Department per-  
22 sonnel interdicted criminals attempting to traf-  
23 fic migrants across the southwest border;

1 (D) incidents in which Department per-  
2 sonnel interdicted criminals attempting to traf-  
3 fic children across the southwest border;

4 (E) incidents in which Department per-  
5 sonnel or local law enforcement were involved or  
6 arrived on the scene of a traffic accident at or  
7 near the southwest border in which one of the  
8 vehicles involved was found to be involved in  
9 human trafficking; and

10 (F) communications with State and local  
11 law enforcement along the southwest border re-  
12 garding incidents of human trafficking, includ-  
13 ing child trafficking;

14 (5) incidents in which a child could not be lo-  
15 cated after being released into the United States  
16 pending a removal hearing with or to an accom-  
17 panying adult claiming to be the legal guardian of  
18 such child;

19 (6) communications between the Department  
20 and the Government of Mexico regarding unaccom-  
21 panied migrant children crossing the southwest bor-  
22 der from January 20, 2021, until such date of adop-  
23 tion; and

1 (7) policies and procedures when children are  
2 interdicted at the southwest border and found to be  
3 trafficking illicit commodities.

Mr. MELJER. Secretary Mayorkas, on March 31, 2022 DHS announced with the Department of Labor the administration plans to make an additional 35,000 H-2B temporary non agricultural worker visas available for the second half of fiscal year 2022. We are almost in May, already in the busy season when many of the American employers and businesses rely on these temporary workers. I know this is something we have discussed several times, and I believe I have asked you about every single time you have come before this committee hearing. So why is this process taking so long? When can the businesses that depend on this program expect for these visas to finally be available?

Secretary MAYORKAS. So, Congressman, appreciate your support of the H-2B visa program. We are aiming to promulgate the regulation that will allow those supplemental visas to be issued within the next 2 weeks.

Mr. MELJER. Thank you, Mr. Secretary.

I yield back.

Chairman THOMPSON. The Chair recognizes the gentleman from New Jersey for 2 minutes, Mr. Gottheimer.

Mr. GOTTHEIMER. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being with us today.

I recently introduced the Bipartisan Bicameral Invest to Protect Act to invest in local law enforcement departments and ensure the police officers in smaller communities across the country have the resources and training they need to keep themselves and our communities safe.

I am aware that many ICE homeland security investigations task forces operate in and around New Jersey and collaborate with and rely on local police departments to support their investigations.

How important is it that we continue to focus on investing in law enforcement at the local level, like with my new legislation will do? Do you believe that they have everything they need right now to protect our communities, especially as local law enforcement officers work with your Department to protect our homeland from terrorists?

Secretary MAYORKAS. Congressman, it is vitally important that local law enforcement be fully resourced and equipped to protect their respective communities. We have been employing the task force model very successfully. Homeland Security Investigations is one of the agencies that has been doing so. The United States Secret Service works very closely with local law enforcement as well and those resources are extraordinarily effective and those tools that we employ are extraordinarily effective in keeping the communities safe.

Mr. GOTTHEIMER. Thank you, Mr. Secretary.

One other question, the Port of New Jersey and New York is an important economic hub for New Jersey and the entire Eastern Seaboard. I am hearing from many of my businesses who operate not just in the port off of New York and New Jersey, but also in some by Houston and some of the other ports, and there are delays caused by U.S. Customs and Border Protections inspection process. There is just not enough agents, especially to handle some of the larger ships that come in.

Did you know anything about this? Is that something you can look into to make sure we have more flow of commerce, which obviously affects the supply chain and costs, to address any unnecessary delays that are going on right now?

Secretary MAYORKAS. So one of our primary obligations of course in the Department of Homeland Security is to make sure that illegal contraband doesn't enter our country. That is true through the seaports and that is why U.S. Customs and Border Protections Office of Field Operations inspects cargo before it is allowed to enter the United States. I am not aware of the—

Mr. GOTTHEIMER. So there are no shortages right—no—

Chairman THOMPSON. The gentleman's time is expired.

Mr. GOTTHEIMER. OK.

Chairman THOMPSON. We got three more people that I am trying to—

Mr. GOTTHEIMER. Thank you.

Chairman THOMPSON. The Chair recognizes the gentleman from Texas, Mr. Pfluger, for 2 minutes.

Mr. PFLUGER. Thank you, Mr. Chair.

Mr. Secretary, this is one of the most shameful hearings I have ever seen. The American public is not fooled by the comments that the border is secure. It is not. The 9/11 Commission said that the system was literally blinking red in the months that led up to 9/11. I am worried about a terrorist attack, and yet Press Secretary Psaki has said that it is no big deal that we had 23 encounters last year and 27 encounters with people who have popped positive on the terror database. Do you agree with the press secretary? It is not a big deal?

Secretary MAYORKAS. The press secretary didn't say it is not a big deal and of course—

Mr. PFLUGER. She said that it is not—it is only a couple of dozen people, not that big of a deal.

Secretary MAYORKAS. Congressman, it is our fundamental responsibility to protect and safeguard—

Mr. PFLUGER. Do you agree with the press secretary—

Secretary MAYORKAS [continuing]. The American people.

Mr. PFLUGER. Mr. Secretary, do you agree with the press secretary saying that it is not that big of a deal, that it is very common, and it is a few dozen at most?

Secretary MAYORKAS. Congressman, we take our obligation to secure the homeland quite seriously and we—it is our job to interdict individuals, whether they appear on the TSDB or not—

Mr. PFLUGER. From 2017 to—

Secretary MAYORKAS [continuing]. On the terrorist screening database.

Mr. PFLUGER [continuing]. 2020, the average number of encounters was about 550,000 people, yet this year we already have 300,000 known gotaways. That is going to double before the end of the year. That is 6 months. You have literally, with the number of gotaways, matched 2017 to 2021.

Mr. Secretary, is the Department planning on using Goodfellow Air Force Base to house 500 or more illegal immigrants, illegal aliens?

Secretary MAYORKAS. Congressman, I will have to get back to you on—

Mr. PFLUGER. You are the Secretary of DHS, this is your responsibility. You have just told us that you are in control, that you have operational control of the border. Are you planning to use Goodfellow Air Force Base to house illegal immigrants?

Secretary MAYORKAS. Congressman, I will ask my colleagues with respect to the status of those particular plans and respond to your question as soon as possible.

Mr. PFLUGER. The administration has literally abdicated their responsibility to keep Texas and the United States safe.

I am begging you to secure the border now.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentleman from New York, Mr. Torres, for 2 minutes.

Mr. TORRES. Mr. Secretary, the New York State health care system was hit the earliest and hardest by COVID-19, which left a death toll of more than 67,000 New Yorkers and a cost of untold billions. COVID-19 has put unprecedented strain on the health care system. The delay in FEMA's COVID-19 reimbursement has only served to compound the crisis. FEMA owes New York State health care providers billions of dollars in reimbursements. Montefiore, which is the largest health care provider in the Bronx is waiting for \$31 million to be obligated by FEMA.

On February 17, 2022 the entire Congressional delegation of New York, both Democrats and Republicans, sent a bipartisan letter calling for a rapid distribution of FEMA Public Assistance Program funds. The letter, which was signed by Majority Leader Chuck Schumer, was sent in mid-February. In the 2 months since then there has been no response from FEMA.

Mr. Secretary, can you see to it that FEMA responds to our request as soon as possible?

Secretary MAYORKAS. I most certainly will, Congressman. I should say that FEMA has done an extraordinary job in setting up vaccination centers throughout the country, including in your jurisdiction. I visited one of them at Medgar Evers College because such a tremendous focus at reaching otherwise disenfranchised communities and making vaccines accessible.

The point of reimbursement is a very important one and I will follow up on it.

Mr. TORRES. I just want to quickly—just quickly on Puerto Rico. Puerto Rico saw a massive power outage that led to the loss of electricity for hundreds of thousands. If the kind of repeat power failures in Puerto Rico were happening anywhere else in the United States, it would never be tolerated. In my estimation, the chronic breakdown of the electric grid in Puerto Rico points to a broader breakdown of American democracy. Puerto Rico has long been relegated to the status of a colony and Puerto Ricans on the islands have long been relegated to the status of second-class citizens who have been deprived of something as basic as reliable electricity.

My question to you is what role can DHS play in expediting the rebuilding of Puerto Rico's electric grid, which has become a National emergency?

Secretary MAYORKAS. So, Mr. Pierluisi of Puerto Rico and I have discussed one issue specifically, Congressman, and that is Puerto Rico's need for additional labor. So we are taking a look at the H-2B program and how that infusion of labor resources could actually assist Puerto Rico in rebuilding. We are also and looking and exploring other avenues to address the labor issue specifically.

Chairman THOMPSON. The gentleman's time has expired.

The Chair recognizes the gentleman from New York, Mr. Garbarino, for 2 minutes.

Mr. GARBARINO. Thank you, Mr. Chairman.

Mr. Secretary, thank you very much for being here today. I wish I had more than 2 minutes because first I wanted to—I had a lot of cyber questions that I wanted to ask. But how—with everything going on right now internationally, all the cyber attacks we are fac-

ing, how are we requesting—how is the administration requesting less money for this budget than what was received by CISA last year? I think it is \$100 million less.

Secretary MAYORKAS. So, Congressman, we are asking for more funds than we asked in our President's fiscal year 2022 budget and this is an issue of timing, as I explained earlier, with respect to the preparation of our budget for fiscal year 2023 vis-à-vis the publication of the 2022 enacted budget.

Mr. GARBARINO. What is DHS's goal for CISA? Five billion dollars—what would the goal over the next 5 years—I would like you to—

Secretary MAYORKAS. We are eager—and the Ranking Member Katko and I have spoken about resourcing of CISA. We are eager to resource CISA as quickly as we can absorb the funds that we receive and use them efficiently.

Mr. GARBARINO. OK. I just have to second what my colleague, Mr. Katko said, with what is happening internationally, what other countries are spending on their cyber. We need to make sure we double down and CISA gets every resource that it absolutely needs to protect us.

But I want to switch over. I know you are—a lot of people have been talking about the border, so I do want to ask a question. The budget here, DHS's budget decreases ICE's adult average daily population beds by—the detention beds by 5,000. It was 30,000, it is dropping down to 25,000. We are currently seeing the highest—record numbers. You know, I have—my district has been hit by—have been victims of violence from MS-13 gang members. Why are we decreasing the amount of facility beds?

Secretary MAYORKAS. So, Congressman, historically the detention beds have not been used effectively. We are emphasizing use of Alternatives to Detention. We are seeing high appearance rate in court proceedings through ATD. We use the acronym to describe it.

Mr. GARBARINO. Are they—oh, am I out of time?

Chairman THOMPSON. I am going to give you—

Mr. GARBARINO. The—

Chairman THOMPSON. Since you're the last person.

Mr. GARBARINO. Thank you. I just want—

Secretary MAYORKAS. Detention—

Mr. GARBARINO. Are these beds not being used now?

Secretary MAYORKAS. Oh, no, they are being used. Their use is limited by a number of factors. No. 1, the CDC guidelines and the imposition of social distancing. No. 2, quite frankly, labor shortages and finding people to work in those detention facilities. But really what we are using detention for is the individuals who need to be detained because of public safety issues, border security, and National security issues.

Then there are the other source and focus of detention in addition to public safety, is making sure that people appear for their immigration proceedings. We have separate and independent efforts under way to achieve that.

Mr. GARBARINO. With all the people coming, I just think we should—

Chairman THOMPSON. The gentleman's time has expired.

Mr. GARBARINO. Thank you. Thank you, Mr. Chairman.

Chairman THOMPSON. Mr. Secretary, I thank you for your testimony and the Members for all their questions.

The Members of the committee may have additional questions and we ask that you respond expeditiously in writing to those questions.

The Chair reminds Members that the committee record will remain open for 10 business days.

Without objection, the committee stands adjourned.

[Whereupon, at 4:20 p.m., the committee was adjourned.]

## APPENDIX I

STATEMENT OF ANTHONY M. REARDON, NATIONAL PRESIDENT, NATIONAL TREASURY  
EMPLOYEES UNION

APRIL 27, 2022

Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee, thank you for the opportunity to submit this statement for the record on the fiscal year 2023 budget request for the Department of Homeland Security (DHS)—specifically Customs and Border Protection (CBP) Office of Field Operations (OFO) and personnel at the Federal Law Enforcement Officers Training Centers (FLETC). As national president of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents approximately 700 FLETC employees and over 29,000 CBP OFO employees, including CBP officers, agriculture specialists, trade enforcement personnel, and support staff stationed at the 328 air, sea, and land ports of entry across the United States (U.S.) and 16 Preclearance stations at airports in Ireland, the Caribbean, Canada, and the United Arab Emirates.

CBP OFO employees are responsible for border security at U.S. ports of entry, including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection. CBP's OFO pursues a dual mission of safeguarding American ports by protecting the public from dangerous people and materials, while enhancing the Nation's global and economic competitiveness by enabling legitimate trade and travel. CBP's trade mission safeguards America's National security and leads to economic benefits by protecting revenue and market share for domestic industry, protecting jobs for American workers. CBP OFO employees at the ports of entry are the second-largest source of revenue collection for the U.S. Government, collecting over \$40 billion annually.

*CBP Staffing at the Ports of Entry.*—For years, NTEU has advocated for the hiring of thousands of new CBP officers and hundreds of new agriculture specialists and non-uniformed trade operations personnel that are needed based on the agency's own Workload Staffing Model (WSM), Agriculture Resource Allocation Model (AgRAM) and bi-annual Resource Optimization Model for Trade Revenue (Trade ROM).

Pursuant to these models, the final fiscal year 2020 funding agreement provided \$104 million to fund the hiring of 800 new OFO positions, including 610 CBP officer and CBP agriculture specialist new hires. Unfortunately, Congress did not continue to fund to the models in fiscal year 2021 or fiscal year 2022. Even though House Appropriators approved \$171 million for 1,150 new CBP OFO positions including \$91 million for 850 CBP officers, \$10 million for 100 support personnel and \$30 million for 200 agriculture specialists, neither the final fiscal year 2021 nor fiscal year 2022 funding agreements include any new funding to increase staffing for CBP OFO.

CBP's staffing models are dynamic and reflect the impact of the pandemic on CBP OFO staffing needs. Despite the decrease in international trade and travel in the past year due to the pandemic, CBP's most recent staffing models show a staffing gap of over 900 CBP officers, 214 agriculture specialists and 200 non-uniformed trade specialists. However, there has been no additional funding provided for needed CBP new hires at the ports of entry since fiscal year 2020. Staffing shortages have been exacerbated by the lifting of the travel ban in November 2020 ending more than 18 months of restrictions, allowing in non-essential tourists who had proof of their coronavirus vaccination and proper documentation to legally enter the United States, and will be further exacerbated by the upcoming ending of the Title 42 public health order in May 2022.

While the final fiscal year 2022 funding agreement does not include funding to increase CBP staffing at the ports of entry, NTEU is pleased Congress included \$650 million to compensate for pandemic-related reduction in customs and immigra-

tion user fee revenue that funds up to 8,000 CBP officer positions. The bill also included \$250 million to offset the loss of Agriculture Quality Inspection user fees that fund over 2,400 agriculture specialists positions. This \$900 million in new fiscal year 2022 funding was necessary to maintain the current level of CBP OFO staffing and avoid furloughs. The final agreement also added \$23 million for on-site mental health clinicians and resiliency efforts. In addition to supporting suicide prevention programs, the \$23 million increase will free up funding for other important resiliency programs, such as one that helps CBP employees with child care expenses.

The President's fiscal year 2023 budget requests \$15.3 billion for the U.S. Customs and Border Protection to secure U.S. borders and ports of entry and effectively manage irregular migration along the Southwest Border, including through \$309 million in modern border security technology. It also requests additional funding to combat forced labor, including funding for 300 additional OFO positions including 50 CBPOs. NTEU greatly appreciates the President for including in his budget request a pay raise for Federal employees for 2023 as well as new CBP funding to address the annualization of the 2023 pay raises, the associated FERS contribution increase and funding for certain port modernization projects.

However, the President's fiscal year 2023 budget request falls far short in addressing the on-going CBP OFO staffing gap. To address that need, NTEU will be requesting that House and Senate Appropriators include funding for CBP OFO new hires up to levels required by the CBP's dynamic workplace staffing models for CBP officers, agriculture specialists, and trade specialists in the fiscal year 2023 DHS appropriations bills. NTEU is asking appropriators to provide appropriated funding for CBP "Operations and Support" in fiscal year 2023 to fund the hiring of at least 600 CBP officers, 200 CBP agriculture specialists, 200 CBP agriculture technicians, 20 agriculture canine teams and at least 80 non-uniformed trade enforcement specialists and associated operational support personnel.

Also, in March, a CBP officer authorization bill, S. 3850, the Safeguarding American Ports Act, stand-alone legislation that authorizes the hiring of 600 additional CBP officers annually until the staffing gaps in CBP's WSM is met was introduced in the Senate. NTEU strongly supports the introduction of an identical stand-alone CBP officer staffing authorization bill in the House.

In addition to NTEU, a coalition of 23 port stakeholders, including the U.S. Chamber of Commerce, American Association of Port Authorities, Airports Council International—North America, and the U.S. Travel Association strongly support S. 3850 in a letter dated March 22, 2022 (see NTEU Exhibit A). As the letter states, funding an additional 600 CBP officers would not only reduce wait times at ports of entry, but also provide new economic opportunities across the United States. "While the volume of commerce and passengers crossing our borders is on the rise once again, CBP staffing has not kept pace with demand" the coalition wrote. "Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers."

*Temporary Duty Assignments.*—Because of the on-going CBP officer staffing shortage at the ports, CBP again recently found it necessary to solicit 255 CBP officers for a minimum of 60 days temporary duty assignment (TDY) to Southwest Border land ports of entry, which began on April 20. According to CBP, the TDY is necessary to support the increased workload and operational challenges expected when the Title 42 public health order is lifted in May. CBP does project that this situation may require an additional solicitation or voluntarily extending those on this TDY. These TDYs are being filled by CBP officers currently assigned to air and sea port locations, further exacerbating staffing issues at these ports.

To end the need for TDYs, it is up to Congress to address the on-going critical port staffing deficit by authorizing and funding CBP OFO new hires in fiscal year 2023 and subsequent years until the staffing gap identified in the workload staffing models are met. Without addressing the on-going CBP officer staffing shortages, allocating adequate staffing at all ports will remain a challenge.

*CBP Agriculture Specialist Staffing.*—Even with the reduction of trade and travel volume due to the pandemic over the past 2 years, CBP's own data-driven and vetted Workload Staffing Model shows a shortage of approximately 214 agriculture specialists Nation-wide. Last year, Congress approved Pub. L. 116–122, the Protecting America's Food and Agriculture Act of 2019. The new law authorizes CBP to hire 240 CBP agriculture specialists, 200 CBP agriculture technicians and 20 agriculture canine teams per year until the staffing shortage that threatens the U.S. agriculture sector is met. NTEU's fiscal year 2023 appropriations request will include a request

for funding to hire the first wave of CBP Agriculture Quarantine Inspection (AQI) personnel authorized by this newly-enacted statute.

*CBP Trade Operations Staffing.*—In addition to safeguarding our Nation’s borders and ports, CBP is tasked with regulating and facilitating international trade. CBP employees at the ports of entry are critical for protecting our Nation’s economic growth and security and are the second-largest source of revenue collection for the U.S. Government—\$74 billion in 2020. For every dollar invested in CBP trade personnel, \$87 is returned to the U.S. economy, either through lowering the costs of trade, ensuring a level playing field for domestic industry or protecting innovative intellectual property. However, since CBP was established in March 2003, however, there has been no increase in non-uniformed CBP trade enforcement and compliance personnel. Additionally, CBP trade operations staffing has fallen below the statutory floor set forth in the Homeland Security Act of 2002 and stipulated in the fiscal year 2021 CBP Trade ROM.

We commend the President for requesting funds for 163 Office of Trade new hires in his fiscal year 2023 budget request to combat forced labor. To maintain CBP’s trade enforcement mission, NTEU supports Congress providing this number of CBP non-uniformed trade new hires in its fiscal year 2023 appropriations bill.

*User Fee Shortfalls.*—One of the most critical pandemic-related issues facing CBP OFO is the reduction of user fee funding that is threatening the Nation’s economic recovery as international trade and travel struggles to return to normal. This funding shortfall is a result of the reduction in customs and immigration user fees collected due to the drastic drop in international commercial travel, and to a lesser extent, trade volume since March 2020.

As you know, CBP collects fees under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and immigration inspection user fees to recover certain costs incurred for processing air and sea passengers and various private and commercial land, sea, air, and rail carriers and shipments. The source of these user fees are commercial vessels, commercial vehicles, rail cars, private aircraft, private vessels, air passengers, sea passengers, cruise vessel passengers, dutiable mail, customs brokers, and barge/bulk carriers. International air travel contributes 94 percent of COBRA and immigration user fees. COBRA and immigration user fees together fund 40 percent of CBP’s OFO budget, including 8,000 CBPO positions. That is roughly one-third of the entire CBP workforce at the ports of entry. Agriculture Quality Inspection (AQI) user fees currently fund up to 2,400 agriculture specialists, currently 100 percent of the CBP agriculture specialists workforce.

Due to the pandemic’s continued disruption of fee-generating international travel and commerce, user fee collections have fallen precipitously which has necessitated the need for emergency funding to prevent furloughing CBP OFO personnel at a time when international trade and travel volume is beginning to return to pre-pandemic levels. To address the user fee shortfall, we were pleased that Congress provided \$840 million in fiscal year 2021 and \$650 million in fiscal year 2022 appropriations to maintain current staffing of CBP officers. Congress also provided up to \$635 million in fiscal year 2022 and \$250 million in USDA funding to cover the user funding shortfall that funds CBP agriculture specialists staffing.

U.S. businesses rely on the safe and efficient movement of goods and people across our borders and are all working to safely resume international travel and travel. Keeping current CBP officer staffing levels will be necessary to successfully transition into a more robust, safe, and delay-free travel environment and improve cargo movement. Losing the hiring and staffing advances that CBP finally started to gain after years of effort and much-appreciated funding support by Congress will negatively impact cross-border travel, passenger processing and trade facilitation in future years as the economy returns to normal.

The critical issues that American businesses are facing to recover from this pandemic require quick, decisive action so that our Government can best facilitate the flow of travel and trade as the economy recovers. Without Congress again providing supplemental funding or reprogramming existing funds to support these CBP officers between now and the end of fiscal year 2022, we are gravely concerned that this loss of user fee funding will result in furloughs at a time when this workforce is most needed to facilitate the flow of legitimate travel and trade as the economy recovers.

NTEU requests that the committee continue to seek funding as needed to replace user fee shortfalls for CBP OFO salaries and expenses and to mitigate dependence on user fees to fund salaries and expenses of CBP OFO personnel through the end of fiscal year 2023. This CBP OFO funding request will help to ensure that current CBP officer staffing levels are maintained as trade and traffic volumes increase. CBP employees at the ports of entry already face many challenges in the course of

their work and concerns about their health and safety or of being furloughed as the country reopens for business should not be among them.

NTEU also strongly opposes any diversion of COBRA user fees. Any increases to the user fee account should be properly used for much-needed CBP staffing and not diverted to unrelated projects. In 2015, the Fixing America's Surface Transportation (FAST) Act indexed COBRA user fees to inflation. However, the Act diverted this increase in the user fee from CBP to pay for unrelated infrastructure projects. Indexing the COBRA user fee to inflation is projected to raise \$1.4 billion over 10 years—a potential \$140 million per year funding stream to help pay for the hiring of additional CBP officers to perform CBP's border security, law enforcement, and trade and travel facilitation missions. Diverting these funds has resulted in CBP not receiving this user fee funding to hire over 900 new CBP officers per year since the FAST Act went into effect. These new hires would have significantly alleviated the current CBP officer staffing shortage.

*CBP Officer Overtime.*—Prior to the pandemic, on-going staffing shortages resulted in CBP officers being required to work excessive overtime hours to maintain basic port staffing. CBP officer overtime pay is entirely funded through user fees and is statutorily capped at \$45,000 per year. All CBP officers are aware that overtime assignments are an aspect of their jobs. However, extended periods of overtime hours can severely disrupt an officer's family life, morale, and ultimately their job performance protecting our Nation. Prior to the pandemic, CBP officers were required to regularly work overtime hours and many individual officers have hit the overtime cap very early in the fiscal year. This leaves no overtime funding available for peak season travel, resulting in critical staffing shortages in the third and fourth quarter that coincides with holiday travel at the ports.

To address this issue prior to the pandemic, CBP granted overtime cap exemptions to over one-half of the workforce to allow managers to assign overtime to officers that have already reached the statutory overtime cap, but cap waivers only force CBP officers already working long daily shifts to continue working these shifts for more days. As the trade and travel volume recovers, CBP officers may once again be required to come in hours before their regular shifts, to stay an indeterminate number of hours after their shifts (on the same day) and be compelled to come in for more overtime hours on their regular days off. Involuntary overtime resulting in 12- to 16-hour shifts, day after day, for months on end significantly disrupts CBP officers' family life and erodes morale. As NTEU has repeatedly stated, extensive overtime is not a long-term solution for staffing shortages at the ports and we need Congress' support to end this practice by funding OFO new hires as international trade and travel volume continues to rally.

*Reimbursable Service Program.*—In order to find alternative sources of funding to address serious staffing shortages, CBP received authorization for and has entered into Reimbursable Service Agreements (RSAs) with the private sector, as well as with State and local governmental entities. These stakeholders, who are already paying COBRA and immigration user fees for CBP OFO employee positions and overtime, reimburse CBP for additional inspection services, including overtime pay and the hiring of new CBP officer and agriculture specialist personnel that in the past have been paid for entirely by user fees or appropriated funding. Since the program began in 2013 with 5 pilot agreements, CBP has entered into agreements with over 236 stakeholders providing more than 793,000 additional processing hours for incoming commercial and cargo traffic (see GAO-20-255R and GAO-21-234R).

NTEU believes that the RSA program is a Band-Aid approach and cannot replace the need for Congress to either appropriate new funding or authorize an increase in customs and immigration user fees to adequately address CBP staffing needs at the ports. RSAs simply cannot replace the need for an increase in CBP appropriated or user fee funding—and they make CBP a “pay to play” agency. NTEU also remains concerned with CBP's new Pre-clearance expansion program that also relies heavily on “pay to play.” Further, NTEU believes that the use of RSAs to fund CBP staffing shortages raises significant equity issues between larger and/or wealthier ports and smaller ports.

*Illegal Narcotics Interdiction.*—CBP OFO is the premier DHS component tasked with stemming the Nation's opioid epidemic—a crisis that continues to get worse. On a typical day, the agency makes over 900 arrests and seizes more than 9,000 pounds of illegal drugs.

According to a May 2018 report released by the Senate Homeland Security and Governmental Affairs Committee Minority titled *Combating the Opioid Epidemic: Intercepting Illicit Opioids at Ports of Entry*, “between 2013 and 2017, approximately 25,405 pounds, or 88 percent of all opioids seized by CBP, were seized at ports of entry.” The amount of fentanyl seized at the ports of entry increased by 159 percent from 459 pounds in 2016 to 1,189 pounds in 2017, increased by 54 percent from

2,579 pounds in fiscal year 2019 to 3,967 pounds in fiscal year 2020, and increased 156 percent from 3,982 pounds in fiscal year 2020 to 10,204 pounds in fiscal year 2021. To continue this level of opioid seizures, NTEU supports funding for additional CBP canine teams on the front line, as well as CBP officer new hires in the fiscal year 2023 appropriations bill.

*On-going Morale Issues.*—Adequate staffing at CBP ports of entry is critical to our Nation's economic vitality. In order to attract talented applicants, however, Federal agencies must also recognize the importance of employee engagement and fair treatment in their workplace. Unfortunately, low morale has been a consistent challenge at CBP that is reflected in CBP's ranking in the Partnership for Public Service (PPS) *Best Places to Work in the Federal Government*. In 2020, PPS ranked CBP as 328th out of 411 component agencies surveyed.

The *Best Places to Work* results raise serious questions about the CBP's ability to recruit and retain the top-notch personnel necessary to accomplish the critical missions that keep our country safe. If the agency's goal is to build a workforce that feels both valued and respected, these results show that the agency needs to make major changes in its treatment of employees.

Of particular concern to NTEU is the increase in suicides as the reported cause of death of Federal employees. Last year, the U.S. Bureau of Labor Statistics (BLS) released data that shows that Federal employee suicides were at their highest level in at least 15 years, with suicides accounting for 28 percent of the 124 Federal employee job-related deaths in 2018. Since 2011, the number of self-inflicted intentional fatalities among Federal workers has more than doubled to 35, although the Federal workforce has remained approximately the same size.

Most suicides continue to involve Federal employees in work related to law enforcement, such as CBP. In 2016, 15 of the 16 reported suicides were by Federal workers employed at a National security-related agency. At CBP, 134 employees died by suicide between 2007 and 2020, according to the agency. In 2021, there were 11 suicide deaths and 6 suicide deaths since the start of 2022. NTEU applauds CBP for seeking additional funding for their Employee Assistance Program (EAP). In response to many conversations and concerns regarding the adequacy of CBP's programs to assist employees who are experiencing mental health issues. At NTEU's insistence, CBP also agreed to bargain over the establishment of a union/management Suicide Prevention and Resiliency workgroup. The purpose of the workgroup is to collaborate on new and innovative ways to promote, improve current resiliency, and suicide prevention programs within CBP.

NTEU also applauds Congress for including in fiscal year 2022 budget an increase of \$23 million to fund on-site clinicians to support CBP employee resiliency and suicide prevention programs and urges Congress to provide at least the same level of funding for fiscal year 2023.

NTEU also strongly supports H.R. 490, the DHS Morale, Recognition, Learning and Engagement Act or the DHS MORALE Act. The MORALE Act was approved by the House on April 20, 2021 and is awaiting action by the Senate. The bill directs the Chief Human Capital Officer (CHCO) to analyze Government-wide Federal workforce satisfaction surveys to inform efforts to improve morale, maintain a catalogue of available employee development opportunities, and authorize the designation of a Chief Learning and Engagement Officer to assist the CHCO on employee development.

H.R. 490 also authorizes the establishment of an Employee Engagement Steering Committee comprised of representatives from across the Department, as well as individuals from employee labor organizations that represent DHS employees. Last, the bill authorizes the Secretary to establish an annual employee awards program to recognize non-supervisory DHS employees who have made a significant contribution to the Department. In our collective bargaining agreement with CBP, NTEU negotiated an extremely popular employee joint awards program. The agency retains the discretion to determine how much of its budget will be allocated for awards, but 85 percent of the total awards budgeted are recommended by a joint union/management awards committee to be distributed proportionately among bargaining unit employees. NTEU recommends that DHS look at the negotiated CBP joint awards program as a model for an agency-wide program.

While a major factor contributing to low morale at CBP is insufficient staffing and resources at the ports of entry, the provisions in the DHS MORALE Act will help to address non-staffing issues that affect employee morale by improving front-line employee engagement and establishing a statutory annual employee award program. NTEU commends the House for approving the DHS MORALE Act and will continue to urge the Senate to expeditiously do the same.

*Federal Law Enforcement Officers Training Centers (FLETC).*—NTEU also represents the instructors and support staff at FLETC that provide career-long training

to Federal, State, local, Tribal, and international law enforcement agency professionals. The program provides training in areas common to all law enforcement officers, such as firearms, driving, tactics, investigations, and legal training. Under a collaborative training model, Federal partner organizations (POs) also deliver training unique to their missions as part of this program. FLETC provides training to more than 100 POs, 12 of which within DHS, and an annual average throughput exceeding 18,000 basic students.

The President's fiscal year 2023 budget provides 50 percent of the instructor requirements for basic and advanced training, as well as the tuition for basic training. FLETC receives reimbursable resources in to fund the remaining 50 percent of instructor requirements and other training costs incurred by FLETC. The fiscal year 2023 request seeks funding for 7 additional new hires, including 4 new training support staff. According to our conversations with our FLETC members, this funding does not meet current needs. For example, in the Driver and Management Division alone, FLETC is 15 instructors short of the 45 instructors needed.

Appropriated funding levels for FLETC has not changed in years and it shows. FLETC's lack of funding is negatively impacting the mission and the quality of training for Federal law enforcement officers. Over the years, the student-to-teacher ratio has diminished and students are being shortchanged. FLETC has too few instructors to teach students and instructors' skills are not being regularly updated by FLETC.

Our members are concerned that instructors staffing levels are not a priority. NTEU has been told by FLETC that the mission is first, the POs are second, the students third, and last the instructors. If the permanent instructor cadre is not being fully staffed, the mission suffers. The instructors are the product that FLETC delivers. NTEU is seeking to work collaboratively with FLETC management and with Congress to provide additional funding to address the instructor staffing shortage issue.

*Pandemic Response.*—As with every workplace, the COVID-19 pandemic remains one of the most significant on-going challenges facing CBP employees. The pursuit of the safest possible working environment for CBP employees at all ports of entry, trade, and operations support and FLETC training facilities have been NTEU's paramount concern during the COVID-19 crisis. Throughout the pandemic, many international air, sea, and land ports of entry remained open and staffed by CBP OFO employees 24 hours a day, 7 days a week, 365 days of the year. FLETC facilities have experienced several lockdowns and closures due to COVID-19 outbreaks.

Despite best efforts to protect essential front-line CBP employees, over 23,000 CBP employees have tested positive for COVID-19 and tragically 34 CBP OFO employees have died as a result of the virus. As leaders, it is important that we continue to do everything we can to mitigate the risks CBP and FLETC employees face, and we need to encourage them to do so on an individual basis, for their own safety as well as the safety of their coworkers and families.

NTEU strongly supports hazard pay for front-line Federal employees. In addition to pushing for hazard pay in earlier COVID relief bills, NTEU supports the Hazardous Duty Pay for Frontline Federal Workers Act (H.R. 2744), introduced by Representative Donald Payne (D-NJ), which would temporarily provide hazard pay for employees who are exposed to an individual who has (or has been exposed to) COVID-19. We have also been working with Members of Congress to craft legislation to provide hazard pay specifically for DHS employees. It is hoped that this bill, which should be retroactive, will be introduced shortly.

Along with ensuring protection from the pandemic, the most important resource that Congress needs to provide for the successful reopening of the economic driver that is our international ports of entry is more funding to address on-going CBP OFO port staffing shortages.

*NTEU Recommendations.*—To address CBP's workforce challenges and to improve security, trade, and travel at our Nation's ports of entry, Congress must first address CBP OFO on-going staffing shortages. It is clearly in the Nation's economic and security interest for Congress to authorize and fund an increase in the number of CBP officers, CBP agriculture specialists, and other CBP employees at the air, sea, and land ports of entry.

In order to achieve the long-term goal of securing the proper staffing of CBP staffing and end disruptive TDYs and excessive involuntary overtime shifts at all ports of entry, NTEU recommends that Congress take the following actions:

- Enact a stand-alone bill to authorize funding for CBP officer new hires to the level identified in the workload staffing model,
- Support funding for 600 CBP officers new hires in fiscal year 2023 DHS Appropriations,

- Support fiscal year 2023 funding for new CBP agriculture inspection personnel, as authorized by Pub. L. 116–122,
- Support funding for needed trade operations specialists and other OFO support staff,
- Support at least \$23 million for on-site mental health clinicians and resiliency efforts,
- Support the Hazardous Duty Pay for Frontline Federal Workers Act (H.R. 2744), and any new legislation that provides hazard pay for DHS employees exposed to the public at work during the COVID–19 pandemic,
- Support increased funding for FLETC instructor new hires; and
- Oppose any legislation to divert customs user fees to other uses, projects, or programs that are collected to fund a portion of salaries, benefits, and overtime for CBP officers.

The CBP and FLETC employees that NTEU represents work hard and care deeply about their jobs and their country. These men and women are deserving of more staffing and resources to perform their jobs better and more efficiently. Authorizing funding for CBP OFO and FLETC instructor new hires will start to relieve the stress of excessive overtime and temporary reassignments that are a strain on these employees and their families.

Thank you for the opportunity to submit this statement for the record.

NTEU EXHIBIT A

*March 21, 2022.*

DEAR SENATORS PETERS AND CORNYN: As stakeholders interested in the facilitation activities of Customs and Border Protection (CBP) at air, sea, and land ports-of-entry around the globe, we thank you for introducing S. 3850, the Securing America’s Ports of Entry Act, which would increase the authorized number of CBP officers by 600 annually to help the agency meet its current and future staffing needs. The bill also would provide better information about CBP’s infrastructure needs at its ports-of-entry, as well as much needed transparency and accountability regarding the agency’s increasing reliance on reimbursable services agreements and temporary duty assignments to cover its system-wide staffing shortfalls.

We share your commitment to ensuring that America’s borders remain safe, secure, and efficient for all users, while enhancing our global competitiveness through the facilitation of legitimate travel and trade. CBP’s most recent workload staffing model, which used data from the height of the COVID–19 pandemic, still showed a shortage of nearly 1,000 CBP officers across the system. Since the model was most recently run, the pandemic has subsided, and international trade and travel volumes are expected to surpass pre-pandemic levels in many locations. Current staffing levels already fail to address the growing demand of travel and trade at our ports-of-entry today, and we anticipate the workload staffing model will indicate drastically higher CBP staffing shortages at the ports-of-entry in subsequent runs. Providing additional CBP officers at this time of growing volumes of international passengers and cargo in the wake of the COVID–19 pandemic will both reduce lengthy wait times and facilitate new economic opportunities in communities throughout the United States.

Increasing CBP officer staffing is an economic driver for the U.S. economy. According to the Joint Economic Committee (JEC), “every day 1.1 million people and \$5.9 billion in goods legally enter and exit through the ports of entry.” CBP estimates that the annual hiring of an additional 600 CBP officers at the ports-of-entry could increase yearly economic activity by over \$1 billion and result in the addition of over 17,000 new jobs.

While the volume of commerce and passengers crossing our borders is on the rise once again, CBP staffing has not kept pace with demand. Long wait times at our ports-of-entry lead to delays and uncertainty, which can increase supply chain costs and cause travelers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers. The travel industry estimates long CBP wait times discourage international visitors, who spend an average of \$4,200 per visit, from traveling to the United States. JEC research also finds border delays cost the U.S. economy upwards of \$5 billion each year.

Thank you for your leadership on these important matters. Please let us know if we can be of any assistance to your efforts.

Sincerely,

AIRPORTS COUNCIL INTERNATIONAL—NORTH AMERICA  
AMERICAN ASSOCIATION OF PORT AUTHORITIES  
NATIONAL TREASURY EMPLOYEES UNION  
AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES  
AIRFORWARDERS ASSOCIATION  
AMERICAN SOCIETY OF TRAVEL ADVISORS  
BORDERPLEX ALLIANCE  
BORDER TRADE ALLIANCE  
CARGO AIRLINE ASSOCIATION  
CITY OF SAN LUIS, AZ  
DOUGLAS INTERNATIONAL PORT AUTHORITY  
DOUGLAS REGIONAL ECONOMIC DEVELOPMENT CORPORATION  
FRESH PRODUCE ASSOCIATION OF THE AMERICAS  
GLOBAL BUSINESS TRAVEL ASSOCIATION  
GREATER NOGALES SANTA CRUZ COUNTY PORT AUTHORITY  
GREATER YUMA PORT AUTHORITY  
MOTOR & EQUIPMENT MANUFACTURERS ASSOCIATION  
NATIONAL ASSOCIATION OF WATERFRONT EMPLOYERS  
NATIONAL MARITIME SAFETY ASSOCIATION  
SAN DIEGO REGIONAL CHAMBER OF COMMERCE  
SAN DIEGO—TIJUANA SMART BORDER COALITION  
U.S. CHAMBER OF COMMERCE  
U.S. TRAVEL ASSOCIATION  
WEST GULF MARITIME ASSOCIATION.

## APPENDIX II

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### QUESTIONS FROM HONORABLE NANETTE BARRAGÁN FOR HONORABLE ALEJANDRO N. MAYORKAS

*Question 1a.* Customs and Border Protection (CBP) put forward a new rule in June 2021 that prevents B1/B2 visa holders from donating plasma and receiving payment. This rule is having a detrimental impact on public health and exacerbating an existing shortage of plasma supply. This decision impacts 10 percent of the overall plasma collection capacity, which is already down 20 percent due to COVID impacts.

I have been advised that this new rule was implemented by CBP without input or consultation from the FDA or the Dept. of Health and Human Services and that it overturned 30+ years of precedent allowing B1/B2 visa holders to donate plasma and receive payment as part of the donation process—just as all Americans receive payment when they donate plasma, whether at U.S. border centers or centers located throughout the United States.

The new rule is also having an economic impact on towns located at or near the border. The net result is a loss of \$4–5 million dollars per plasma collection center on an annual basis for the local community near an impacted collection center (there are more than 50 plasma collection centers along the U.S.-Mexico border).

Do you agree that this new rule is adversely impacting plasma supply and potentially leading to a shortage of plasma-derived therapies? Do you agree that this new rule is having a detrimental economic impact in border communities? If the answer is no to both or either question, has your agency talked to communities or businesses impacted by this rule or data regarding the impacts of this rule?

*Question 1b.* Will you and your agency work with me and my office to pause the use of this new rule so that a long-term solution can be found where the public health is not impacted by a shortage of plasma and a supply shortage of life-saving therapies derived from such plasma?

Answer. Response was not received at the time of publication.

### QUESTIONS FROM HONORABLE RITCHIE TORRES FOR HONORABLE ALEJANDRO N. MAYORKAS

*Question 1.* The Transit Security Grant Program, or TSGP, hasn't reached its previous topline funding level of nearly \$350 million since fiscal year 2009. Would you agree that the TSGP program should receive more than its current funding level of \$93 million in the fiscal year 2022 omnibus and in President Biden's budget which calls for \$100 million?

Answer. Response was not received at the time of publication.

*Question 2.* As I'm sure you are aware, there was a shooting on the New York City Subway system in Brooklyn on April 12, which left 29 individuals injured. Has your Department been in contact with the MTA since the shooting? If not, why?

Answer. Response was not received at the time of publication.

*Question 3.* In light of the shooting, has your agency developed best practices to prevent and respond to attacks on subways systems and other public surface transportation systems?

Answer. Response was not received at the time of publication.

*Question 4.* Mr. Secretary, my friend Congresswoman Barragán authored a bill, the Strengthening Local Transportation Security Capabilities Act of 2021, which was enacted as part of last year's fiscal year 2022 National Defense Authorization Act. Under the bill, the Secretary of Homeland Security is authorized to develop through the Federal Law Enforcement Training Centers, or FLETC, a training program for law enforcement agencies operating within surface transportation systems. These systems, like the New York City Subway, present unique operational challenges to law enforcement given their crowded environments and enclosed, under-

ground spaces. As we saw during the recent attack, even critical law enforcement systems like radio communications can prove challenging to operate underground if officers are not adequately trained.

Mr. Secretary, in light of the recent attack, have you considered developing a program as authorized under the bill? If not, will you commit to doing so and reporting back to the committee on your considerations?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER JOHN KATKO FOR HONORABLE ALEJANDRO N. MAYORKAS

*Question 1.* The President's fiscal year 2023 budget includes \$4.3 million to create a non-Stafford Act National Incident Management Assistance Team. Can you please describe the specifics of this Team and why the request is non-Stafford Act?

Answer. Response was not received at the time of publication.

*Question 2.* FEMA's 2021 National Preparedness Report highlighted that the National Response Coordination Center (NRCC) was not designed or intended to be staffed full-time and as a result FEMA was not prepared to staff the NRCC for a long-duration pandemic incident of National scale. In your opinion, what role should the NRCC play in future long-duration disasters? How does the President's fiscal year 2023 budget reflect that vision?

Answer. Response was not received at the time of publication.

*Question 3.* The President's fiscal year 2023 budget request reflects a \$23 million decrease for the Countering Weapons of Mass Destruction Office (CWMD), a result of the proposed transfer of the functions and positions of the current Chief Medical Officer (CMO) from CWMD to a newly-envisioned Office of Health Security and Resilience (OHSR). Considering that CWMD was created only a few years ago by combining the Office of Health Affairs and the Domestic Nuclear Detection Office, pulling the CMO out of CWMD and creating a new OHSR is a surprising move that seems to revert back to the prior structure. What capabilities does the CMO currently not have situated within CWMD that it would gain by being pulled out of CWMD? Why is the creation of a new OHSR necessary?

Answer. Response was not received at the time of publication.

*Question 4.* Earlier this month, GAO released a report on the Countering Weapons of Mass Destruction Office (CWMD). The report found that CWMD's radiation portal monitor replacement program is not on track to meet a key goal of reducing the monitors' nuisance alarm rate. GAO recommended that CWMD coordinate with U.S. Customs and Border Protection to reassess its current acquisition strategy for replacement radiation portal monitors. DHS concurred with this recommendation. How does the President's fiscal year 2023 budget work to address the recommendations made by GAO?

Answer. Response was not received at the time of publication.

*Question 5.* The President's fiscal year 2023 budget request includes \$80 million to establish a Cybersecurity and Infrastructure Security Agency (CISA)-led competitive grant program aimed at protecting critical infrastructure from cyber attacks. The addition of this new grant program lowered the request for both the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI) reflecting the funding associated with the minimum investment requirement for the cybersecurity-related National priority area. Given the fact that cybersecurity was added as a National Priority Area for fiscal year 2022, do you think a decrease in the President's fiscal year 2023 budget request for both SHSGP and UASI is appropriate?

Answer. Response was not received at the time of publication.

*Question 6.* At the beginning of April, shocking news broke that U.S. Secret Service officers and agents were witnesses in a criminal case in which individuals impersonating Federal Officers gave them, among other things, rent-free apartments with a total yearly rent of over \$40,000 per apartment. What plans does the Department have to use this proposed budget to improve USSS ethics and counterintelligence training to ensure that a situation like this never occurs again?

Answer. Response was not received at the time of publication.

*Question 7.* With the time between Presidential campaigns seemingly becoming shorter and shorter, the U.S. Secret Service must be constantly prepared for the rigorous demands that come with each election cycle. In the fiscal year 2023 President's budget, the Secret Service is requesting \$2.7 billion in total gross discretionary funds, with \$2.6 billion of that funding aimed at Operations and Support. Could you please speak in more detail about the needs of the Secret Service during the campaign season and how their budget requirements shift given the 4-year election cycles?

Answer. Response was not received at the time of publication.

*Question 8.* The Office of Homeland Security Situational Awareness (OSA), formally known as the Office of Operations Coordination, facilitates information sharing and a common operating picture for DHS. The fiscal year 2023 budget decreases OSA funding by \$20.4 million and 30 FTEs, realigning several activities, and funding, to other DHS components. Since OSA plays a key coordinating role in DHS operations, could you please explain the merits behind dispersing its funding to components?

Answer. Response was not received at the time of publication.

*Question 9.* There is a notable increase to the Federal Protective Service, up over 25 percent from the fiscal year 2023 President's budget. Could you elaborate on what changes you are suggesting and the reasoning behind those changes?

Answer. Response was not received at the time of publication.

*Question 10.* The fiscal year 2023 budget supports the Coast Guard's plan to acquire Polar Security Cutters for use in the Arctic. What is DHS's plan for additional ice breaking capabilities that may be needed in the Arctic?

Answer. Response was not received at the time of publication.

*Question 11a.* The fiscal year 2023 budget includes \$140 million in funding for a Joint Processing Center along the Southwest Border of the United States. Have you identified which agencies will be involved? What will the potential capacity of the facility be? What is the specific time line on completion?

*Question 11b.* Does DHS have a specific site it is targeting?

Answer. Response was not received at the time of publication.

*Question 12.* The DHS Management Operations' budget is \$657 million, or 14.8 percent, over the amount enacted for fiscal year 2022. This seems like a very large increase for headquarters operations. What specifically will the Department use this funding for?

Answer. Response was not received at the time of publication.

*Question 13a.* The fiscal year 2023 budget calls for \$114 million for "continued modernization of component financial management systems[.]" How would that funding be specifically allocated to improve these systems?

*Question 13b.* Is DHS taking steps to accelerate the modernization given the significant cybersecurity threats we face?

Answer. Response was not received at the time of publication.

*Question 14.* Do you foresee any issues or needing additional assistance from Congress in the increment 1 replacement of DHS's Automated Biometric Identification System (IDENT) with the Homeland Advance Recognition Technology (HART)?

Answer. Response was not received at the time of publication.

*Question 15a.* CISA needs sustained, robust funding to carry out its mission and nimbly respond to evolving threats. The CISA funding request is not nearly sufficient to resource the agency's growing mission.

Given the alarming increase in attacks and threats to Federal networks and critical infrastructure, do you agree that CISA should be a \$5 billion agency within the next 5 years?

*Question 15b.* How would you make sure that CISA's capability scales up alongside such funding, and if not, how do you expect CISA to compete against better-resourced nation-state competitors without the commensurate tools, resources, and workforce?

*Question 15c.* The fiscal year 2023 President's budget request includes \$2.5 billion for CISA, the fiscal year 2022 Consolidated Appropriations Act included \$2.6 billion for CISA. Can you discuss why you the President's budget request for fiscal year 2023 is actually less than what Congress enacted in fiscal year 2022?

Answer. Response was not received at the time of publication.

*Question 16a.* The fiscal year 2023 DHS budget decreases the adult Average Daily Population (ADP) to 25,000, which is a decrease of 5,000 beds from the prior year. We are currently seeing the highest levels of illegal border crossings in the past 20 years and not all these individuals are asylum seekers. In fact, many have extensive criminal records. My district in particular has been a victim to the violence brought by MS-13 gang members and since this border crisis began last year, we've seen an uptick in gang members exploiting the situation.

Why is the administration decreasing ICE's ability to detain criminal aliens, gang members, and other individuals who would harm the American public?

*Question 16b.* How does decreasing detention space promote law and order?

Answer. Response was not received at the time of publication.

*Question 17.* The President's budget proposal calls for \$64.7 million for Protective Security Advisors (PSAs), Cybersecurity Advisors (CSAs), and Emergency Communications Coordinators (ECCs) to support proactive engagement with SLTT government mission partners and the private sector.

How do you envision the expansion of CISA's Regional Advisors and their support to advise SLTT governments and the private sector will improve the Nation's cyber-security posture?

Answer. Response was not received at the time of publication.

*Question 18a.* According to media reporting, there has been a significant increase in the number of "gotaways" which as you know are border crossers who have evaded law enforcement.

What is the Department's estimated number of "gotaways" who have crossed the Southern Border this year?

*Question 18b.* Do you see a link between the increasing numbers of gotaways and increasing drug overdose deaths—especially from fentanyl or fentanyl-laced narcotics—in American communities?

*Question 18c.* Who do you think is the major supplier of synthetic opioids (if not Mexico) and who is physically transporting the fentanyl across the border?

Answer. Response was not received at the time of publication.

*Question 19.* I am concerned that the DHS budget includes only \$105 million for Computed Tomography (CT) technology that screens carry-on baggage at airport checkpoints. CT is next generation technology that provides a significant screening capability increase. I'm concerned that DHS is slow-walking the funding of this deployment. This technology is especially important given the current threat landscape that has emerged because of President Biden's botched Afghanistan withdrawal.

How do you plan to accelerate this important technology so CT won't be obsolete before it can be deployed to all airports?

Answer. Response was not received at the time of publication.

*Question 20a.* The record-breaking number of unvetted migrants pouring across our border and being released into the interior of our country, free to go on domestic flights without a government-issued ID, has greatly increased the risk to the aviation system and the security of our Nation.

Our entire aviation screening apparatus depends on knowing the passenger's identity and risk status. Given that TSA relies on the identity information that CBP collects from migrants the border it is very likely that such information is fraudulent, or at best unverifiable. How can you ensure this committee that DHS is sufficiently mitigating the increased risk to the aviation system due to number of unknown and even high-risk migrants boarding flights across the country?

*Question 20b.* How does DHS accurately verify a migrant's identity if they do not have any form of identification and what are current DHS screening procedures to appropriately determine if a migrant is in fact, an unaccompanied alien child prior to transfer to HHS?

*Question 20c.* How many instances are you are aware of that DHS learned that an individual already released into the interior of the United States as an unaccompanied alien child has turned out to be an adult?

*Question 20d.* What steps has DHS taken, if any, to identify additional adults who may have fraudulently posed as an unaccompanied alien child?

Answer. Response was not received at the time of publication.

*Question 21a.* The budget requests \$1 billion for investments in effective and modern port and border security. BUT, this is less than the President's request last year of \$1.2 billion.

Why is this year's request lower?

*Question 21b.* According to DHS personnel on the front lines, where there are physical barriers along the Southwest Border, there has been a significant decrease in drug and human smuggling as barriers serve as a deterrent and, most importantly, provide Border Patrol more time to interdict the illegal activity.

*Question 21c.* Why is there nothing in the budget request for border barrier construction?

*Question 21d.* How much has DHS paid out or will pay out due to the fees to cancel/stop the border wall contracts?

Answer. Response was not received at the time of publication.

*Question 22.* The Joint Cyber Defense Collaborative (JCDC) was created to allow CISA to lead the development of cyber defense operations plans and put those plans into action in partnership with the interagency, private sector, State, and local governments to reduce risk and unify defensive actions. The fiscal year 2023 request includes an increase of \$12.1 million to scale the JCDC to ensure CISA can meet the diverse needs and growing demand of multiple stakeholders.

Can you elaborate on how CISA intends to scale the JCDC to improve coordination and information sharing with the private sector?

Answer. Response was not received at the time of publication.

*Question 23.* How specifically will the funding of \$48 million for the Indo-Pacific be used to increase our presence in the region and combat Chinese aggression?

Answer. Response was not received at the time of publication.

*Question 24a.* Do you support Border Patrol agents and their mission?

If you do support Border Patrol and its mission as you said, why are you constantly undermining and limiting their role in securing the border?

*Question 24b.* Why is the administration repealing, removing, or limiting essential authorities, such as Title 42 and the Remain in Mexico Policy?

*Question 24c.* Do you believe the border wall is a deterrent that prevents individuals from illegally crossing the border in between ports of entry?

*Question 24d.* Have you spoken to President Biden, Vice President Harris, or anyone at the White House about resuming construction of the border wall?

*Question 24e.* What concrete steps are you taking to improve morale and prove that this administration actually supports Border Patrol and its critical National security mission especially as you seek to recruit new agents?

Answer. Response was not received at the time of publication.

*Question 25.* Do you believe ICE should be abolished?

Why have you and President Biden repeatedly undermined ICE's authority to do their jobs?

Answer. Response was not received at the time of publication.

*Question 26a.* It has been widely reported that the Biden administration has been secretly flying illegal aliens from the U.S.-Mexico border into the interior of the United States and sometimes dropping them off in the middle of the night, without notice to State and local officials and law enforcement.

Why are these flights occurring in the middle of the night? Do you realize that by operating these "midnight" flights, it looks like DHS is conducting clandestine operations and attempting to hide the number of migrants being flown and dropped off in the interior of the United States? Is that your intent?

*Question 26b.* What attempts have been made, if any, to communicate with State and local authorities regarding these flights?

*Question 26c.* How do you expect State and local authorities to have the capability to handle massive number of migrants when our own Federal authorities are struggling to maintain operational control? What attempts, if any, have been made to assist State and local authorities with the massive number of migrants who are dropped off in their cities and towns?

Answer. Response was not received at the time of publication.

*Question 27a.* We are on track to see another record year of encounters at our Southwest Border. The fiscal year 2023 budget does not request funding for a border wall and does not include a significant amount of new agent positions. In fact, Mayor Bowser's budget requests 347 additional police officers, which is more than DHS is requesting for the entire Border Patrol. The District of Columbia is 68 square miles, whereas the Southern Border is 1,954 miles. What in the budget request will have a measurable impact on stopping the flow of migrants and drugs at the border?

*Question 27b.* Does this administration have a plan for border security and stopping the flow of drugs and illegal border crossings? It seems to me that this administration's priorities do not align with CBP's mission. Please outline the Department's plan to further CBP's mission of "protecting the American people, safeguarding our borders, and enhancing the Nation's economic prosperity."

Answer. Response was not received at the time of publication.

*Question 28.* The fiscal year 2023 DHS budget for ICE includes a significant increase for the Alternatives to Detention (ATD) program, which will accommodate 170,000 participants.

Do you believe that mass releasing those who illegally cross our borders does not send the wrong message to human smugglers, cartels, and migrants? Isn't this yet another pull factor by this administration proving that the United States will not enforce our immigration laws?

Answer. Response was not received at the time of publication.

*Question 29a.* CISA Director Easterly has said that "If you don't have great talent, you're going to fail in the mission."

How many people do you plan on hiring at CISA? Does this include only what's outlined in the President's budget request?

*Question 29b.* What steps are you taking to shorten the time to hire cybersecurity professionals at CISA?

*Question 29c.* Has DHS transferred the suitability process to CISA to speed up the process?

*Question 29d.* Can you tell us what the current time-to-hire is for cybersecurity professionals at CISA and DHS?

*Question 29e.* How does the DHS Cybersecurity Talent Management System (CTMS) fit into that plan and how is this system working since it went live in summer 2021?

*Question 29f.* What plans does CISA have to ensure the right level and quantity of cyber professionals are available and to sustain this talent in the future?

Answer. Response was not received at the time of publication.

*Question 30a.* The fiscal year 2023 President's budget requested \$109.6 million for USCIS's E-Verify program. That is a reduction from both the fiscal year 2022 President's request and the fiscal year 2022 Omnibus.

Given the success of the E-Verify program, why is this administration reducing the funding?

*Question 30b.* If the program is becoming more automated, why not expand it to more businesses?

Answer. Response was not received at the time of publication.

*Question 31.* I am pleased to see that the Coast Guard has emphasized cybersecurity in the maritime sector with the additional funding it requested in the fiscal year 2023 budget. However, I'm hearing from stakeholders that there needs to be more information sharing among DHS and our Nation's ports. What efforts does DHS, specifically the Coast Guard and CISA, have in place to ensure that port owners and operators can mount a strong defense against malicious actors in the cyber realm?

Answer. Response was not received at the time of publication.

*Question 32.* As you know, our Nation has faced an unprecedented number of cyber attacks at the Federal as well as the State and Local level over the past year. It is imperative that our State and local law enforcement partners have the tools they need to lead cyber crime investigations, and the National Computer Forensic Institute (NCFI) is a Federally-funded training center dedicated to doing just that. However, the fiscal year 2023 budget includes a decrease of \$7 million for NCFI. Could you please explain to the committee the thought process behind this decision?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE CLAY HIGGINS FOR HONORABLE ALEJANDRO N. MAYORKAS

*Question 1a.* CBP leverages various crucial technological capabilities to serve as force multipliers to help mitigate illicit activities including narcotics and human trafficking and human smuggling. CBP, similar to other components within the Department of Homeland Security, has faced challenges in years past related to large-scale procurements. These challenges can come at the expense of achieving mission success. Secretary Mayorkas, please answer the following questions:

How is CBP ensuring that existing procurement strategies account for sufficient innovation and cutting-edge technology to allow for a dynamic security environment?

*Question 1b.* How does CBP weigh costs and benefits of existing commercial solutions compared to those that may take longer to fully develop and deploy?

*Question 1c.* How has CBP improved its overall approach and policies related to procurement and acquisitions, after previously complicated efforts?

Answer. Response was not received at the time of publication.

*Question 2.* Within the Department's fiscal year 2023 budget request, your Department is requesting \$527 million to fund Alternatives to Detention. Specifically, regarding the mobile devices used under the Intensive Supervision Appearance Program, if you don't give participants the monitoring devices, how do you know where they are? Without monitoring, do you expect people to show up for their immigration proceedings and court hearings?

Answer. Response was not received at the time of publication.

*Question 3.* Last, your Department is requesting an increase of \$504 million, which is a 55.2 percent increase from fiscal year 2022, for USCIS. Specifically, this request calls for the hiring of 1,300 full-time processing employees—not border enforcement personnel. This tells me that the administration is preparing for a massive wave of migrants at the border. Wouldn't these funds be better utilized if they used to hire additional Border Patrol and ICE agents?

Answer. Response was not received at the time of publication.

*Question 4.* If the use of Title 42 ends as planned, and we see triple the number of encounters at the Southern Border, does ICE have what it needs at its disposal to properly process migrants?

Answer. Response was not received at the time of publication.

*Question 5.* ICE is best equipped to do its job when it has all of its tools available, inclusive of both detention and alternative monitoring programs. With reports that

detention is severely underutilized, do you feel that you are prepared to handle the historic flow of migrants crossing our border?

Answer. Response was not received at the time of publication.

*Question 6.* The DHS Inspector General recently released a report that found ICE last year wasted millions on a no-bid hotel contract awarded to Endeavors, which had just prior hired a former Biden Transition official. ICE justified the no-bid contract, stating a lack of existing capacity. However, the Watchdog report found that “the three Family Residential Centers that house migrant families were underutilized prior to and during the hotels contract with Endeavors.” The existing ICE Centers were only being used at 6–23 percent of their contracted capacity, so why did ICE rush a sole-source \$87 million contract for unnecessary hotel beds?

Answer. Response was not received at the time of publication.

*Question 7.* When an illegal crossing occurs and it is determined that the detainee requires mental health services, what is the process for determining which State and contracted facility to which a patient will be sent? What factors play a role in this determination?

Answer. Response was not received at the time of publication.

*Question 8.* What costs are associated with transporting a patient from the State they were apprehended in to out-of-State facilities? (This should include transportation costs, lodging costs, and security costs.)

Answer. Response was not received at the time of publication.

*Question 9.* For fiscal year 2021 what is the total number of detainees that were referred to U.S.-based mental health care facilities?

Answer. Response was not received at the time of publication.

*Question 10.* For fiscal year 2021 what is the total number of detainees who were transferred out of the region they were apprehended in to received mental health services?

Answer. Response was not received at the time of publication.

*Question 11.* How many U.S. mental health facilities has DHS contracted with to provide services for detainees? Please provide the total number and the regional breakdown for these facilities.

Answer. Response was not received at the time of publication.

*Question 12.* How many of these contracted facilities is DHS actively utilizing for detainee mental health care services? (Please provide the total number and the regional breakdown for utilization of these facilities.)

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE MICHAEL GUEST FOR HONORABLE ALEJANDRO N. MAYORKAS

*Question 1a.* We understand ICE delayed its November 2021 transition to RAVeN, a custom in-house developed software platform to manage HSI investigations, because the system was not ready to go live.

On what date do you expect RAVeN to go live?

*Question 1b.* What steps is HSI taking to solicit input from the nearly 3,000 agents and analysts who will use this platform on a daily basis to process their investigations?

*Question 1c.* Please provide the amount of money ICE has spent on RAVeN to date and the projected spending over the next 5 years, with development costs separated from maintenance and operation, and designate which year in the 5-year plan RAVeN will be full operational.

Answer. Response was not received at the time of publication.

*Question 2.* According to a March 2, 2022, *Washington Post* article, the border wall along the Southwest Border has been breached 3,272 times by smugglers over the past 3 years (2019–2021) and the Government has spent \$2.6 million to repair these breaches. The article specifically quotes CBP officials as saying that “Many of the wall segments where breaching has occurred lack the sensors, cameras, and other detection tools called for in original designs,” and that “once those tools are in place, agents will be able to respond faster.” How many of these breaches occurred in areas where advanced detection technology (lighting, CCTV cameras, LGDS, and communications fiber, etc.) is installed but not yet operational? What is CBP doing to deter these breaches and achieve operational control of the Southern Border? What do you need in fiscal year 2023 to ensure that these tools are in place and Border Patrol agents are able to detect and immediately respond to these breaches in timely manner?

Answer. Response was not received at the time of publication.

*Question 3.* There have been 5 migrant deaths in the past 7 months along the Southwest Border. The undocumented noncitizens have perished while attempting

to illegally enter the United States in areas where border infrastructure has been installed, but technology is not installed or operational. The administration has said that addressing safety issues is a priority for the remaining border barrier funds. How much of our Southwest Border is protected by fully operational advanced detection technology? How many miles do we have where no advanced detection technology is installed?

Answer. Response was not received at the time of publication.

*Question 4.* As the administration deploys non-intrusive inspection technology at land ports of entry along the Southwest Border and uses it to conduct inspections of cargo and conveyances for contraband as part of its mission to stop illicit imports, the cartels will seek other routes between these ports of entry. What strategy and plans does the administration have for securing the border between ports of entry?

Answer. Response was not received at the time of publication.

*Question 5.* I understand that CBP has deployed over 250 additional officers to the Southwest Border from other ports of entry around the country in advance of lifting Title 42 restrictions. Given the expected resurgence in international air travel this summer, is CBP adequately staffed and prepared to handle passenger and trade volume at airports?

Answer. Response was not received at the time of publication.

*Question 6.* The Secretary testified that the Southwest Border is closed and secure. How would the Secretary define a “closed border” and a “secure border”?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE DAN BISHOP FOR HONORABLE ALEJANDRO N.  
MAYORKAS

*Question 1.* During a Senate Homeland Security and Government Affairs hearing last week, you testified that the Biden administration is not responsible for drugs and human trafficking streaming across the Southern Border. On September 26, 2021, during an appearance on Fox News Sunday, you stated: “It is the policy of this [Biden] administration, we do not agree with the building of the wall.” Please explain why you believe a wall on our Southern Border would not be an effective deterrent for drug smugglers.

Answer. Response was not received at the time of publication.

*Question 2.* Last month, you admitted that there were more than 389,000 “gotaways”—illegal migrants who eluded Customs and Border Patrol—in fiscal year 2021. This represents 389,000 opportunities for cartels to smuggle dangerous drugs like fentanyl into our country. What evidence do you have that these gotaways are not significantly contributing to drug smuggling into the United States? Please explain what analysis, if any, DHS has conducted to determine the extent to which these got-aways may be importing drugs.

Answer. Response was not received at the time of publication.

*Question 3.* On April 28, 2022, the U.S. Food and Drug Administration announced proposed product standards to prohibit menthol in cigarettes. There are over 18 million Americans who smoke menthol cigarettes, representing an obvious potential black market. Has the Department of Homeland Security, including any of its components, conducted an assessment to determine the likelihood that a ban on menthol cigarettes will result in transnational criminal organizations and smugglers attempting to illicitly traffic menthol cigarettes into the United States?

Answer. Response was not received at the time of publication.

*Question 4.* If such an assessment has been conducted, please provide the committee with the results of the assessment and make those responsible for conducting the assessment available to brief Members of the committee and their staff.

Answer. Response was not received at the time of publication.

*Question 5.* If such an assessment has not been conducted, please provide an explanation for why the Department of Homeland Security has failed to conduct such an assessment and the anticipated completion date for such an assessment.

Answer. Response was not received at the time of publication.

*Question 6.* Please provide the committee with an exhaustive list of instances where the Department of Homeland Security has engaged or otherwise corresponded with the Food and Drug Administration to examine or consider the implications a ban on menthol cigarettes will have on the illicit tobacco trade. Please include an explanation of the nature and subject of the engagement or correspondence. If no instances of the Department of Homeland Security and Food and Drug Administration engaging on the topic of a menthol ban exist, please explain why your Department has not been engaged on this matter.

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE ANDREW CLYDE FOR HONORABLE ALEJANDRO N.  
MAYORKAS

*Question 1a.* If the use of Title 42 ends as planned, and we see triple the number of encounters at the Southern Border, does ICE have what it needs at its disposal to properly process migrants?

*Question 1b.* ICE has been underutilizing detention beds for the past year, with use severely under available capacity. Why is this the case, particularly with historic numbers of migrants coming to this country? With the volume expected to arrive when Title 42 ends, will ICE be utilizing the detention beds it already has?

Answer. Response was not received at the time of publication.

*Question 2.* Regarding the Alternatives to Detention program, and specifically the mobile devices used under the Intensive Supervision Appearance Program. If you don't give participants the monitoring devices, how do you know where they are? Without monitoring, do you expect people to show up for their immigration proceedings and court hearings?

Answer. Response was not received at the time of publication.

*Question 3.* Progressives have been pushing for more Alternatives to Detention contracts to be run by non-profits, and the contracts would eliminate monitoring capabilities and water down compliance. If ICE plans to move in this direction, can you describe the accountability measures that will be in place, and how you can ensure people will actually show up?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE PETER MEIJER FOR HONORABLE ALEJANDRO N.  
MAYORKAS

*Question 1.* Mr. Secretary, in February of this year, I introduced a Resolution of Inquiry, with the support of 39 of my Republican colleagues, requesting all documentation in DHS's possession regarding border policies be transmitted to Congress. I did this because in the midst of this crisis, I don't feel that DHS is being transparent with the American people or Congress about the situation at the border and how the administration is making decisions regarding border policies, with Title 42 being only the latest example.

There is no doubt that the United States faces an unprecedented crisis on its Southwest Border, and this resolution seeks to ensure that DHS is upholding our Nation's laws, securing the border, and supporting our front-line law enforcement personnel. Mr. Chairman, I would like to submit the resolution in question for the record, and I do hope that my Majority colleagues will allow us to mark up this vital tool, which will give American citizens a complete understanding of how this administration is handling the crisis at the border.

Secretary Mayorkas, could you explain how this budget request addresses the border crisis and how it will increase transparency regarding DHS's border policies as my resolution aims to do?

Answer. Response was not received at the time of publication.

*Question 2.* Secretary Mayorkas, on March 31, 2022, DHS announced along with the Department of Labor that the administration plans to make an additional 35,000 H-2B temporary nonagricultural worker visas available for the second half of fiscal year 2022. However, we are almost in May, already in the busy season when many American employers and businesses rely on these temporary workers, and the final rule has yet to be published.

Why is this process taking so long? When can the businesses that depend on this program expect for these visas to become available?

Answer. Response was not received at the time of publication.

